This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

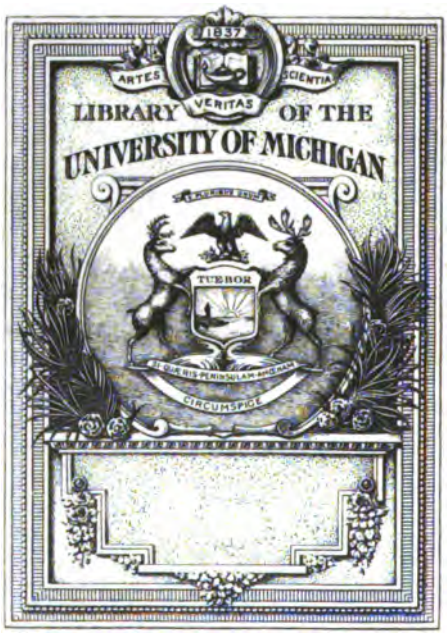
+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

B 440200

Digitized by Google



Digitized by Google

DA
804.1
.D9
N2
v. 2

Digitized by Google

Digitized by Google

LIFE AND TIMES OF

JOHN GRAHAM OF CLAVERHOUSE,

VISCOUNT DUNDEE.

Digitized by Google

LATELY PUBLISHED.

I.

LIFE OF THE MARQUIS OF MONTROSE.

In Two Handsome Volumes, 8vo, price 36s.

Embellished with fine Portraits and Woodcuts.

MEMOIRS OF JAMES GRAHAM, FIRST MARQUIS OF MONTROSE, From 1612 to 1650; illustrating, from Domestic Papers of the Montrose Family recently discovered, and other latent and original Documents, his Life, Actions, and Death.

By MARK NAPIER.

*** To this NEW and VERY COMPLETE Biography of the illustrious and much maligned Montrose, there is appended a large collection of Illustrative Papers of great importance and interest, and which are NOW FOR THE FIRST TIME PRINTED: including his Poems—Notices of the various original Portraits of himself and some of his family circle—Defence written in the interval between his Last Victory and First Defeat—Story of Montrose's Heart—Ceremony of Collecting his Remains, and the True Funerals thereof, &c. &c.

☞ "Mr Napier is a gentleman of very great literary acquirements, and has employed great and assiduous labour in his inquiries into the history of that great hero and patriot, which had been previously in a great measure summarily or carelessly misrepresented. Indeed, Mr Napier's NEW AND RECENTLY PUBLISHED EDITION OF THE 'MEMOIRS OF MONTROSE' IS THE ONLY ONE UPON WHICH ANY RELIANCE CAN BE PLACED, AND OF ANY VALUE AS AN AUTHORITY OR REFERENCE TO THE HISTORIAN, ANTIQUARY, OR EVEN THE GENERAL READER."

II.

CHARLES THE SECOND IN SCOTLAND.

In 8vo, Cloth Boards, price 10s. 6d.

Illustrated with a fine Map.

PERSONAL HISTORY OF KING CHARLES THE SECOND, from his landing in Scotland, on June 23. 1650, till his escape out of England, October 15. 1651; with an Outline of his Life immediately before and after these dates.

By the Rev. C. J. LYON, M. A., Cantab.,

INCUMBENT OF ST. ANDREW'S EPISCOPAL CAHPEL, ST. ANDREWS.

*** "The period to which our attention is now directed, is one which excites a painful interest. It is pregnant with lessons of infinite value. It presents the most humiliating views of human nature; and while the hallowed name, and rites, and spirit of religion, were desecrated by its pretended votaries,—by the clergy of the age in particular, without distinction of parties,—these memorials present to view an incarnation of all the worst passions by which human beings are agitated, and is a useful and interesting contribution to our civil and ecclesiastical history."

☞ ONLY TWO HUNDRED AND FIFTY COPIES OF THIS INTERESTING WORK WERE PRINTED.

Digitized by Google

Digitized by Google

Engraved by R. Thomson from a Picture

VISCOUNTESS DUNDEE

FROM THE ORIGINAL IN POSSESSION OF
LADY ELIZABETH LESLIE MELVILLE CARNWATH

Digitized by Google

MEMORIALS AND LETTERS

EDINBURGH:
THOMAS G. STEVENSON, 22 FREDERICK STREET.
LONDON: HAMILTON, ADAMS, & CO.
M.DCCC.LXII.

Digitized by Google

Entered in Stationers' Hall.

THE AUTHOR OF THIS WORK RESERVES TO HIMSELF
THE RIGHT OF TRANSLATION.

EDINBURGH : PRINTED BY MACPHERSON & SYME, ST DAVID STREET.

Digitized by Google

Ref. ist
Thin
6-21-28
17392

PREFACE.

THESE last volumes of MEMORIALS and LETTERS illustrative of the Life and Times of Viscount Dundee, bring to a close our long and laborious researches intended to redeem, from the mists of faction and the myths of fanaticism, those two important chapters of "The Troubles" in Scotland, which may be indicated by the titles, MONTROSE and the COVENANTERS, and DUNDEE and the CONVENTICLERS. Many literary demerits belong to the desultory commentaries which our researches have produced. But they will be found to embrace a great collection of interesting and valuable historical documents, hitherto unpublished, illustrative of the period between the accession of Charles the First, and the advent of King William; and also to have exposed a vast amount of calumnious falsehood with which Scotch fanaticism had debased the history of the country. Those low polemics had succeeded, among other deplorable results, in overlaying, and utterly disguising, two of the noblest and purest characters that adorn the Annals of Scotland in times when there were few public men of whom that country had reason to be proud. The *murderer* Montrose, the *devil* Dundee, are familiar characters in Scotch history. Indeed the epithets had become almost hallowed, as if truly descriptive of two great enemies of religion and humanity whom history could not paint too black. These vile changelings, malicious impositions of an evil spirit, we hope to have *exorcised*, and to have sent howl-

Digitized by Google

ing out of History. "Lost! lost! lost!" The revulsion of feeling as regards the character of Montrose seems already complete. Scarcely a fanatical pamphleteer would now venture to describe Montrose in the words of our historian Malcolm Laing, as being "destitute of humanity, nor scrupulous of the means to accomplish his designs." To disenchant Dundee was more difficult. To break the spell of "Bloody Clavers" seemed almost hopeless. The good magician Scott crossed and recrossed it in vain. The demon was still visible even through all the corruscations of his wand. And then came a powerful necromancer of the malign influence, and double sealed the spell with his "Chief of this Tophet."[1]

Strange to say, it never seems to have occurred to Sir Walter, that to rouse Dundee to speak for himself might scare the false prophets and break the spell. He had furnished, throughout his various works, lyrical, historical, and romantic, a whole gallery of portraits of Claverhouse; he had attained the pinnacle of his romancing fame on that very subject; he had lavished the stores of his genius upon his hero Dundee,—without having noticed a single letter written by him, or seeming to be aware that he had ever written a letter at all. And when at last, that favourite theme being exhausted, he awakes to the fact, that a Bannatyne Club print, of the year 1826, contains Dundee's own report of his defeat at Drumclog, in the form of a very short letter to the Commander-in-chief, Sir Walter passes this sole reflection and remark upon the interesting and characteristic missive, "Claverhouse, it may be observed, spells like a chambermaid."

[1] This forms the climax of Lord Macaulay's many calumnious epithets against Dundee. In the Appendix to these volumes, p. 700, it is inadvertently printed, "*King* of this Tophet."

Digitized by Google

It is amazing how fashionable that fancy of twitting our predecessors with their management of the alphabet became, and even of testing their literary powers, and the extent of their education and intelligence by that sign. Lord Macaulay seized the idea for a like purpose, but made it his own, by changing the word *chambermaid* into *washerwoman*.[1] With regard to Claverhouse, it took root immediately in the kail-yards of history. The monster was as illiterate and ignorant as he was cruel. He could not pen a letter. He could not spell. A smart writer in the North British Review dubs Dundee's letters printed for the Bannatyne Club, "Letters *à la* washerwoman," and says—"We have his letters, printed from the originals, exhibiting a state of *education*, and a *cultivation of mind*, that, as Mr Macaulay said, would have disgraced a washerwoman." In vain Drummond of Balhaldy, in his Memoirs of Lochiel compiled more than a century ago, who must have gathered his information at a time when he could obtain it on very good authority, wrote—"Dundee had made a considerable progress in the mathematics, especially in those parts of it that related to his military capacity; and there was no part of the *Belles Lettres* which he had not studied with great care and exactness. He was much master in the epistolary way of writing; for he not only expressed himself with great ease and plainness, but argued well, and had a great art in giving his thoughts in few words. And this chiefly appears when he had occasion to write to such gentlemen as he knew Mackay had been tampering with; where he frequently not only answers all that was then pled in favour of the Revolution, but also lays before them the duty and obedience they owed to King

[1] See Vol. I. of these Memorials, p. 27, and *note*.

Digitized by Google

James, as their natural sovereign, with great perspicuity and strength of argument, in the compass of a small page or two." Even Balhaldy's able editor, Mr James Macknight, would not suffer this to pass without a declaration of his own scepticism on the subject; although confessedly he had looked no further than Sir Walter Scott's careless note on the Drumclog dispatch written by Dundee (as he tells us himself) when half asleep. "Possibly," says Mr Macknight, "the account of the battle of Drumclog, which is *the only letter* of Dundee's which the editor has seen, may have been an exception to his usual style. But a more *wretched production*, both in point of composition and *orthography*, was never penned."[1]

Then Mr Hill Burton takes up the strain. He cannot distinguish between orthography and grammar. He declares, with as much confidence as if he himself had been his dominie, that Dundee had no more than a "smattering of education;" and that even this "was early rubbed out in the camp of the mercenary soldier!" Which seems to say, that an imperfect education acquired in Scotland instead of being improved by foreign travel, and by serving along with the *elite* of British youth in France and Holland, under Turenne, and the Prince of Orange, necessarily became "rubbed out." He won't allow that the hero of Killiecrankie could converse with the Highlanders. "It is not likely," he says, "that Dundee knew *their* language, for he was not very well instructed *in his own*." In short, Claverhouse could scarcely make himself intelligible, in language at least, either to his claymores or to his cavaliers. And as for

[1] Memoirs of Lochiel, printed for the Abbotsford Club, 1842, p. 279. As for Dundee's Drumclog dispatch, upon which Mr Macknight has pronounced so extraordinary a judgment, see the characteristic missive in its proper place in these Memorials.

Digitized by Google

the brief and very simple dispatch which he addressed to his Sovereign after the battle of Killiecrankie, Mr Burton makes short work of that. "The letter," he says, "is so happily expressed as to be *a forgery on the face of it*; for it is not to be imagined that he who *vainly struggled after grammar* with all his senses with him, could command it when mortally wounded, and utterly unfit for that species of command with which he was familiar."[1] But the swan sings when it dies. Nor can we appreciate the logic, that a wounded General, placed *hors de combat* in his military command, must *a fortiori* lose his command of *grammar*.

To meet the vulgar fable that Dundee was a devil, and all this nonsense about his being a dunce, there is produced in these volumes the whole of his epistolary correspondence that we can discover to be extant, which comprehends *sixty-four* letters. These we have printed in full, taking no liberties with them whatever, except to dispense with the antiquated orthography. It seems necessary to state this, since the mere rectification of the *spelling*, in terms of a consistent rule, so as to enable the modern eye at once to comprehend the sense, would appear to have suggested to the mind even of our learned historian of the Revolution, that some liberty must have been taken with the *style*. Dundee's characteristic and noble letter to Hamilton, when summoned to return to the Convention in 1689 (which will be found in its place in these Memorials), was published in the following year among other illustrations of a pamphlet entitled, "The Case of the present afflicted Episcopal Clergy in Scotland." That the original orthography of a letter of the

[1] Mr Hill Burton's History of the Revolution, 1853, vol. i. p. 134. The letter here so dogmatically pronounced "to be a forgery on the face of it," will be found in its proper place in these volumes, and fully authenticated.

Digitized by Google

period would not be strictly adhered to in print, even of its own time, is most likely. To spell carelessly, loosely, and inconsistently, in epistolary correspondence, was an aristocratic *fashion* of the day. A statesman disdained to spell like a printer. But when submitted to the press, or in clerical hands, orthography even then became subjected to a discipline that brought it very near the rule which the well educated now-a-days would be ashamed to transgress. But so startled was Mr Hill Burton to find a published letter of Dundee's displaying a style superior to his own in consequence of a nearer approximation to his own mode of spelling, that forthwith he pronounces, *è cathedra*, the letter not to be Dundee's, although every line of it bespeaks the author. His convenient assumption is, that some bet tereducated friend of Dundee's had "modelled" the notorious document, so as to render it fit to meet the intelligence of an educated public. "This letter," he says, "is transferred to the correspondence of Dundee printed by the Bannatyne Club, from a copy annexed to a pamphlet called 'The Case of the present afflicted Clergy in Scotland.' It seems in its *general tenor* to be genuine; but those who read Dundee's letters in their *literatim* shape, *will see* that it has been *modelled by the pamphleteer*."[1] Modelled by a political pamphleteer, publishing the letter within a twelvemonth after it had been written, the original being then in the hands of the President of the Convention? It was a public letter, attracting great attention at the time, having been read in open Parliament; and the idea is simply absurd that either pamphleteer or printer, giving it in that complete form to the public a few months later, would have ventured to "model" after

[1] Burton's History, vol. i. p. 108.

Digitized by Google

their own taste such a missive signed by the Viscount of Dundee. It was the harder upon our hero to be accounted illiterate in our days, by reason of his epistolary orthography, seeing that his letters are infinitely less puzzling and unpleasant in that respect, to the modern eye, than those of the most of his noble and able contemporaries. Of this fact we have afforded ample illustration in No. V. of the Appendix to these volumes; an illustration, we trust, which will also suffice to excuse us for having divested Dundee's correspondence of a very disagreeable form that has nothing whatever to do with its intellectual merit, unless it be to disguise it to the lazy eye or the unreflecting mind.

Of the *sixty-four* letters written by Dundee, produced in these volumes, *forty* are now printed for the *first* time. These are from the Queensberry Papers, among the archives of the Duke of Buccleuch, which his Grace so liberally opened to our research, as already mentioned in the Introduction to the first volume. Dundee's letters to Queensberry commence in the month of February 1682, and conclude in the month of July 1685, a most important period of the history of the Troubles in Scotland, and of our hero's participation therein. Of these characteristic and familiar dispatches, many are very long, and full of interesting details. Yet they are but a remnant of the voluminous correspondence which he had kept up with all the leading statesmen during the eleven years of his own rapid rise and extraordinary career. Many letters of his are referred to by himself which are not now to be found; and there can be no doubt whatever, notwithstanding the popular idea of his dispositions and habits, that the pen was far more frequently in his hand than either sword or pistol. The discovery of these letters was most material to the history of the

Digitized by Google

maligned Viscount. While they afford many striking traits of the energy of his talents, and the high-mindedness of his nature, there is not a sentence, not an expression to be found in one of them, that justifies in the slightest degree the frightful character of him which Wodrow had palmed upon History. The same, indeed, may be said of the whole sixty-two letters of his now produced, and for the first time brought to bear upon his life and actions. This could not possibly have happened, considering the freedom of the correspondence, and who were his correspondents, had there been a line of truth in the libellous portrait of him over which the fanaticism of Scotland has so long delighted to gloat.

Prior to the publication of the first volume of these Memorials, no attempt had been made to extract from such of Dundee's letters as had got into print any evidence in defence of his character. Preserved, indeed, but at the same time buried in antiquarian club books, they were not even read by the favoured few who possessed them. His earliest dispatches, to the Earl of Linlithgow in 1678-9, very well edited on the antiquarian principle by Mr George Smythe of Methven, for the Bannatyne Club in 1826, and a few important remains of his official correspondence with the Chancellor Aberdeen in 1682, printed in the Spalding Club volume of the Aberdeen Papers, and edited with no less accuracy by Mr John Dunn in 1851, contain some striking illustrations of the real character of Dundee. Yet neither of these able and industrious editors had bestowed any of their editorial pains in pointing this out. They were kept in subjection by that *incubus* Wodrow. Indeed, the whole of rational and lettered Scotland appears to have been frightened out of its propriety, as regards Claverhouse, by his calumnious fable of the "Christian

Digitized by Google

Carrier." Told with a foul-mouthed impudence that carried the credulity of Scotland, it was actually allowed to take root, in its most offensive form, in the leading Tory magazine of the country, precisely a century after its first publication :—

"'Come, come, let's have no more of this whining work,' interrupted Clavers suddenly. 'Soldiers! do your duty.' But the words fell upon a circle of statues; and though they all stood with their muskets presented, there was not a finger which had power to draw the fatal trigger. There ensued an awful pause, through which a 'God Almighty bless your tender hearts,' was heard from the lips of the now agitated and distracted wife. But Clavers was not in the habit of giving his orders twice, or of expostulating with disobedience. So, extracting a pistol from the holster of his saddle, he primed and cocked it, and then *walking* firmly and slowly up through the circle, close to the ear of his victim, ... (*sic*). There was a momentary murmur of discontent and of disapprobation amongst the men as they looked upon the change which a single awful instant had effected; and even 'Red Rob,' though a covenanting slug still stuck smartingly in his shoulder, had the hardihood to mutter, loud enough to be heard—'*By God, this is too bad.*' The widow of John Brown gave one, and but one, shriek of horror, as the fatal engine exploded, and then addressing herself leisurely, as if to the discharge of some ordinary domestic duty, she began to unfold a napkin from her neck. 'What think ye, good woman, of your *bonny man* now?' vociferated Clavers, returning at the same time the pistol with a plunge into the holster from which it had been extracted. 'I had always good reason,' replied the woman firmly and deliberately, 'to think weel o' him, and I think mair o' him now than ever. But how will Graham of Claverhouse account to God and man for this morning's work?' continued the respondent firmly. 'To man,' answered *the ruffian*, 'I can be answerable; and as to God, I will take him in my own hands.' He then marched off, and left her with the corpse."[1]

This *ad captandum* article, signed "Presbyter," was a great triumph to a sect in Scotland subject to a disease even more obstinate than that imputed by Lord Mac-

[1] Article in Blackwood's Magazine, November 1822, entitled, "John Brown, or the House in the Muir;" and signed "Presbyter."

Digitized by Google

aulay to his own Celtic progenitors, the malady of not marking any truth whatever in favour of Claverhouse, the disease of not desiring that Dundee should be cleared. Eastwood's low-minded minister, thus patronised by Blackwood's high-minded magazine, promised at least another century's currency to the false coin of the "Christian Carrier" and "Bloody Clavers." But Lord Macaulay did the sect more harm than good. Reason began to rebel, and good taste to sicken over his slavish and somewhat mawkish repetition of such a writer as Wodrow; and his careless adoption of the dominie's blunder of naming Claverhouse James instead of John, caught the critical eye, and stirred the exuberant humour of Professor Aytoun. That gallant tilt of the Lays of the Scottish Cavaliers staggered the Lays of Ancient Rome, and so the Laws of Domestic Relations rushed to the rescue in an article of the North British Review, entitled "Claverhouse by Macaulay and Aytoun."[1] This plausible compound of crude history and fanatical argument, a hasty plunge for *the nonce* into all the impure sources of covenanting calumny, triumphantly proclaimed the discovery, that "the devil," as Claverhouse is there called, was so poor a devil as to be incapable of writing a letter, but such as "would have disgraced a washerwoman;" and was not even known to be capable of fighting a battle; Killiecrankie being nothing, in this essayist's estimation, but an accidental rout, entirely owing to "the novelty of the Highlanders' *dress*, and the hideous yell with which they advanced to the attack."

[1] See before, vol. i. p. 27. This slashing article of the North British Review is attributed to the clever pen of Patrick Fraser, Esq., advocate, whose able and very useful Treatise on the Law of the Personal and Domestic Relations is so well known to the legal profession.

Digitized by Google

This renewed struggle over the grave of great Dundee, between common sense and covenanting nonsense, being founded upon no new materials, was likely to end where it began. Manifestly the old ground of attack and defence, so horribly poached, was unequal to the triumph of truth on the subject without a firmer footing of facts. All Dundee's own writings must be diligently collected, and compiled in historical form, and the hero enabled to speak for himself. The bigotry and whiggery which throughout a century and a half had been heaping mountains of mud upon his name, must be closely and fearlessly analyzed, at the risk of contracting an historical typhoid in dealing with such elements. And, to adopt the words of Sir Walter Scott, "your *Westren zealots* would require to be *faithfully portrayed*, in order to bring him out with the right effect."

Upon this principle we compiled, and put forth without delay, the first volume of these Memorials. It has done its work already. The discovery among the Queensberry Papers of Claverhouse's own account to the Prime Minister detailing the circumstances of the execution of the armed traitor and outlaw John Brown, in due and deliberate form of martial law, terminated the reign of that saint at least in Scottish History. The distinct and simple report of the most distinguished commanding officer in Scotland, unconscious of the chance of any controversy ever arising on the subject, cut the whole ground from the feet of his fanatical calumniators; and that mythical absurdity, of comparatively modern growth, "the Christian Carrier," (of whose Christianity not a vestige of trust-worthy evidence exists), evaporated at once. It was impossible for reason to resist such proof that *justice* and *mercy* had been righteously mingled in the conduct of Colonel Graham upon that tragical occa-

Digitized by Google

sion, which the tenor of his whole correspondence, and the very terms of this report, prove to have been one of rare occurrence with him. It verified, moreover, in a most remarkable manner, the sincerity of that rational and truly noble sentiment on the subject, to which he had publicly pledged himself in a letter to the Lord Chancellor Aberdeen, two years before: "I am as *sorry to see a man die, even a whig*, as any of themselves; but when one dies *justly* for his own faults, and may save a hundred to fall in the like, I have no scruple."[1]

And accordingly, not a murmur arose against him in his own time for the performance of this imperative duty, except from the pulpits of the conventicles, whose truculent ranters never ceased proclaiming, that to execute a traitor was to murder God's chosen, and to murder a Bishop was to execute God's judgment.

The publication of our first volume in 1859, containing not merely this decisive illustration of the fabulous character of Saint Brown, but other important illustrations from the newly discovered letters which we now produce in full, and also a searching review of all the history infected by Burnet and Wodrow, was very opportune. If a clever whig Scotch advocate was busy bolstering Macaulay, in the "North British," after the damaging assault by the Professor of Rhetoric, an accomplished English barrister was no less busy badgering the great man in Blackwood. In rapid succession, contemporaneously with our own publication, there appeared those telling articles,—"*Lord Macaulay and Marlborough*,"—"*Lord Macaulay and the Massacre of Glencoe*,"—and, "*Lord Macaulay and the Highlands of Scotland*." A twelvemonth after this last, however, in

[1] See before, vol. i. of these Memorials, p. 138.

Digitized by Google

August 1860, there followed from the same pen, an article of more use than any of them, at least to the History of Scotland,—"*Lord Macaulay and Dundee.*" It gave the author of these Memorials real pleasure to find a critic, so accomplished and acute, following his footsteps so very closely through that first volume, and quoting his discoveries in a form so much more likely to attract the general reader. It was the first fruit of our own labour of love as regards Dundee; and from the opening sentence of that essay we hailed a most promising shoot budded upon our ruder but riper stem,—"Few celebrated men," it said, "have suffered more injustice at the hands of posterity than John Graham of Claverhouse, Viscount of Dundee." The leading literary magazine in Scotland was *exorcised* on the subject of Dundee. A *Paget* has therein superseded a *Presbyter*, and drawn what is justly called the "real character of Dundee," with a confidence of eulogy not hitherto perilled in the current literature of Scotland, and with a courage which Sir Walter Scott himself never attained.[1]

We have to regret, however, that Mr Paget had not the means of benefiting by the further illustrations, and closer examination, of the case between the Argyle Covenant and the Stuart Government, contained in our concluding volumes. We may flatter ourselves that his mind would have been thereby still further disabused on the subject; and that many of the old stereotyped assumptions, of *cruelty* and a *savage* disregard of the lives and liberties of the people of Scotland, against the whole aristocracy of that country, under the Governments of Charles II. and James VII.,—assumptions in regard to which this able critic had

[1] Mr Paget's very able critical essays, on Lord Macaulay's History, have been since collected into a single volume, entitled, "The New Examen," published by the Messrs Blackwood in 1861.

Digitized by Google

applied none of his powers of examination,—would not have disfigured, as they do, his valuable essay on Lord Macaulay and Dundee. Our own researches have brought this conviction to our mind, that not one of these violent accusations have been proved, or could be established by any evidence that will stand the test of truth and reason; unless it be as regards the application, on great emergencies, of the lamentable law of judicial torture; a blot on our criminal code which attaches itself far more discreditably to the Government of King William. Mr Paget concedes to Scotch fanaticism the martyrological romance of Margaret Lauchlison and Margaret Wilson, and calls their alleged execution, "cruel and atrocious." He slightly points to the pregnant fact, *suppressed* by Lord Macaulay, "that upon the case being brought to the notice of the Council, the prisoners were respited, and a pardon recommended, but that the execution was *hurried on* by the *brutality* of Major Windram and the Laird of Lagg." And he considers it a sufficient exoneration of Dundee to say—"we find, on referring to Wodrow, that *a* Colonel Graham was concerned, but it was Colonel *David* Graham, the Sheriff of Wigtownshire, not Colonel *John* Graham of Claverhouse." Mr Paget would seem not to have been aware that this David was John's brother, and also his *Substitute* in that Sheriffdom. The defence fails. As a Highlander would say,—"If it's not Bran, its Bran's brother." The real defence is, as we hope now to have proved, that these two women, whom the pamphleteers of the Revolution had canonized, and Lord Macaulay has dramatized, were not only respited but pardoned, and did not suffer death at all, either at the hands of Government or any of their fellow-creatures. The accomplished author of those essays must now add another chapter to his "Examen," for which we have

Digitized by Google

furnished ample materials, and entitle it, *Lord Macaulay and "the Drowning of Women!"*

We are not so fortunate as to find any minute contemporaneous description of the *physique* of Dundee such as has been handed down of Montrose, by an admiring follower who has carefully noted his stature, the expression of his countenance, the form of his features, and the colour of his eyes and of his hair. We have only the traditionary soubriquet of "Bonnie Dundee," which the Jacobites played off against that of "Bloody Clavers," and which two incongruous ideas of the hero are so welded together in Scott as to make his Dundee look like a mermaid.

Such portraits of the Viscount as we have been able to trace have been engraved for these volumes. They certainly do not belie the invariable tradition that his countenance possessed a beauty somewhat feminine, in colour, form, and delicacy of expression. Even the vulgar in Scotland, who have been taught to believe him a demon, seldom expect to find the fiendish attributes in his features, whatever may be the case with his feet, which are not shown in his portraits. We were once taken, by the present Member for Dundee, to inspect a so-called original portrait of the Viscount, possessed by a lady in that town. As she happened to be from home, it was displayed to us with grim satisfaction by an old serving-man, who was not a little indignant at our pronouncing it to be a painting copied from Houbraken's well-known print of Montrose. "But it maun be Clavers," he said peremptorily, "for, see! there's the blude on's broo." The painting showed an accidental blemish on the forehead, bearing some resemblance to an old spot of blood, which the pious domestic considered

Digitized by Google

to be the curse of Cain. The most important and characteristic representation of our hero, is the fine painting in the gallery of Glammis, frequently engraved, from which Sir Walter Scott has taken his beautiful description of him in Old Mortality. "It *maun* be Dundee," not because of blood on the brow, but because the high-bred haughty countenance, at once supercilious and superfine, is a perfect embodiment (allowing for the inimical spirit) of Secretary Earl Moray's character of him to their sovereign: "I told his Majesty, he knew Claverhouse to be of *a high, proud*, and *peremptory humour*," &c.; and also of his own account of himself, when, flying in the very face of Hymen, on the eve of his marriage, and confessedly in love, he burst forth with the prophetic announcement,—"But, or long, I will, in despight of them, *let the world see* that it is not in the power of *love*, nor any other *folly*, to alter my loyalty." The lofty character, in short, which that low and truculent agitator of disorder, Patrick Walker the pedlar, was scarcely aware he was endorsing, in those venomous words,—"The hell wicked witted, bloodthirsty Graham of Claverhouse, *hated to spend his time with wine and women*," &c.

This fine work of art has been always attributed to the pencil of Lely, and is well worthy of the reputation. It is included in the list of Sir Peter's works, given in the notes of Dallaway's edition of Walpole's Anecdotes, 1828. If this be right, the portrait must have been painted before the close of the year 1680; for Lely died suddenly of apoplexy, on the 30th of November of that year, while the Duchess of Somerset was sitting to him. Claverhouse was in London, along with his General, Lord Linlithgow, in the summer of 1679, immediately after the Battle of Bothwell Bridge, they having been

Digitized by Google

summoned to report to his Majesty the state of Scotland. His portrait may then have been executed by Lely. At that time, however, he was only Captain Graham, in command of a troop of horse. But the style of this highly finished and very elaborate portrait, the right hand leaning on the baton of command, certainly seems to indicate an officer of much higher rank. It would indeed be quite appropriate to his military position at the close of the year 1688, when, as Major-General, he commanded the whole cavalry of Scotland, and rode at their head to London, to meet the invasion of the Prince of Orange. When the news of the Prince having landed reached the King, he was sitting to Kneller for his portrait, to be presented to the Secretary of the Admiralty, Pepys; who tells us himself, "that James II. ordered Kneller to proceed, that his good friend Pepys should not be disappointed." At this crisis, too, Claverhouse was elevated to the peerage; and the doubt is well worthy of consideration, whether the *Glammis* portrait be not that of Dundee by Kneller, instead of Claverhouse by Lely. It forms the frontispiece to the third volume of these Memorials.

The frontispiece to our second volume is from the head-size portrait long in possession of the noble family of Leven and Melville, and recently inherited by the Lady Elizabeth Leslie Melville Cartwright, to whose courteous liberality we are greatly indebted for the privilege of engraving it. The very accurate little sketch of it by Charles Kirkpatrick Sharpe, composed for the Bannatyne Club print of Dundee's Letters, in graceful combination with a sketch of his Viscountess, (from a portrait which formerly belonged to the Dundonald family, and thereafter came into the possession of Mr George Smythe of Methven,) also decorates our second

Digitized by Google

volume; and this in accordance with Mr Sharpe's own promise to the author, obligingly fulfilled by his sister Mrs Bedford. The *Leven* portrait of Claverhouse, represents him at a very early period of his career. The countenance is boyish, indicating even a more youthful subject than he could well have been at the time it was painted. For we cannot doubt that the portrait is by the hand of a Dutch master at the time Claverhouse was a cornet in the royal guard of the Prince of Orange. It is a great pity that the history of this beautiful work of art has been lost sight of. The engraving of it in this volume is generally accurate, and creditable to the artist. In fairness to the original, however, we are bound to say, that it scarcely comes up to the extreme softness of the painting, and youthfulness of the expression—an expression of mournful interest, of mingled innocence and hauteur, which only the highest art of engraving could perfectly reproduce. We are inclined to suspect that the very rare mezzotint represented by the engraving that forms the frontispiece to our first volume, had been taken, in reverse, from this Leven portrait, by an artist who had been at no pains to preserve the youthful expression, or even to adhere very strictly to the details of the original.[1]

The *Airth* portrait of Dundee is also represented in our first volume, (p. 175), and displays the type of all the other portraits, but scarcely so characteristic in the expression.[2] It appears to have been repeatedly copied about the time it was painted. The Earl of Stair possesses one of these old copies, and Sir George Clerk of Penicuik another. There is also a contemporaneous engraving of it that is somewhat rare.

[1] See Introduction to Vol. I., p. xl.
[2] See Introduction to Vol. I., p. xli.

Digitized by Google

The lithograph of General Mackay, in our last volume, (p. 642) is from the *Reay* portrait of that unfortunate commander, engraved for Mackay's Memoirs. And the representation of the *mourning ring* containing Dundee's hair (p. 656) somewhat exuberantly decorated by the fertile fancy of Charles K. Sharpe, is thus accounted for by Mr George Smythe, in his preface to Dundee's Letters :—"The tail-piece represents a curious ring which belonged to my great grandmother, Catherine Cochrane, wife of David Smythe of Methven, and which is said to have been given to her by her father, William Cochrane of Kilmaronock, the brother of Lady Dundee. It contains hair, which I conjecture to be that of Dundee, upon which the letters v. D. are worked in gold, with a Viscount's coronet above. The following poesy, and a death's head, are engraved on the inside :

'*Great Dundee*
For God and me. J. R.'

A ring exactly similar is in the possession of the Duntrune family."

M. N.

AINSLIE PLACE,
May 1862.

Digitized by Google

Digitized by Google

CONTENTS

OF

THE SECOND VOLUME.

PREFACE, ... Page v–xxiii

PART III.

OF THE GOVERNMENTS WHICH CLAVERHOUSE SERVED IN ARMS. HIS CAMPAIGNS AGAINST THE FIELD CONVENTICLES ILLUSTRATED BY HIS DISPATCHES AND PRIVATE CORRESPONDENCE.

SECTION I.

Preliminary Notices of Claverhouse, from the period of his entering St Andrew's College in 1665 to that of his return to Scotland, in 1677, from serving as a volunteer in France and Holland, ... Page 1–23

SECTION II.

A word or two of the Field Conventicles against which Claverhouse was first commissioned to act at the close of the year 1678, ... 23–42

SECTION III.

Of the grounds of Lord Macaulay's accusations against the Governments which Claverhouse served, and the calumnies adopted by him as to the drowning of women, and the use of judicial torture in Scotland, . . 43–151

Digitized by Google

SECTION IV.

Claverhouse's First Campaign against the Conventiclers, how it came about, and how it ended, . . Page 152–229

SECTION V.

Claverhouse's Second Campaign against the Conventiclers, how it came about, and how it ended, . . . 230–284

SECTION VI.

Sir John Dalrymple's Campaign against Claverhouse, how it came about, and how it ended, . . . 285–309

SECTION VII.

Claverhouse's First Campaign at Court, how it came about, and how it ended, . . : . . 310–340

SECTION VIII.

Claverhouse a Privy Councillor. His proceedings immediately after returning from Court in the month of May 1683. His influence in the Commission of the Circuit Court of Justiciary perambulating the Western and Southern Shires in the summer of 1683. His principles of Criminal Justice illustrated by his advice to Government as a Privy Councillor on the Western Circuit, . . 341–364

SECTION IX.

The Rye House Plot. Correspondence and Proceedings of Claverhouse during the rest of the year 1683, . 365–381

SECTION X.

The Marriage of Claverhouse. His stormy Honeymoon. Installed as Constable of Dundee, where he ameliorates the Criminal Code, ... 382–430

Digitized by Google

ILLUSTRATIONS

IN VOLUME SECOND.

1. The Leven Portrait of Dundee in possession of Lady Elizabeth Leslie Melville Cartwright, . *Frontispiece*
2. The Armorial Shield of Dundee, . . *Title-page*
3. Portraits of Viscount and Viscountess of Dundee, from a Drawing by Charles Kirkpatrick Sharpe, Page 382
4. Facsimile of the Autographs appended to the "Contract Matrimonial 1684," 392

Digitized by Google

Digitized by Google

MEMORIALS

OF THE

VISCOUNT OF DUNDEE.

PART III.

OF THE GOVERNMENTS WHICH CLAVERHOUSE SERVED IN ARMS. HIS CAMPAIGNS AGAINST THE FIELD CONVENTICLES ILLUSTRATED BY HIS DISPATCHES AND PRIVATE CORRESPONDENCE.

SECTION I.—*Preliminary notices of Claverhouse, from the period of his entering St Andrews College in* 1665 *to that of his return to Scotland, in* 1677, *from serving as a volunteer in France and Holland.*

FEW particulars have as yet been discovered, regarding the youth and early career of John Graham of Claverhouse. We must trust to the progress of research, and the tendency which one acquisition of the kind has to lead to another, for the eventual discovery of those domestic circumstances relating to our hero which may yet lurk in private archives,—such as a happy chance at length enabled us to add to our Memoirs of Montrose. It is known, indeed, from the register of St. Leonard's College of St. Andrews, that Claverhouse matriculated in the same college where his illustrious prototype was the observed of all observers between thirty and

Digitized by Google

forty years before. And, as we have seen, Dr Munro, the persecuted Principal of the College of Edinburgh, and intimately acquainted with Claverhouse, emphatically assigned to him the attribute of *scholar*, when challenging his bitter enemies to deny, if they could, the social virtues, and literary accomplishments, of him who had just died at Killiecrankie.[1] His early military career, in France and Holland, we are as yet only enabled to illustrate in a like limited degree. But the particulars, so far as they go, are both interesting and authentic; nor can we allow them to be rejected at the dictatorial and prejudiced fiat of Lord Macaulay, who dismisses, with convenient but ill supported contempt, as a "Jacobite invention," the incident of Claverhouse having saved the life of the Prince of Orange at the battle of Seneff.

Neither has a register of the birth of Claverhouse yet been discovered. On the authority, accidentally afforded, of one of Fountainhall's reports, the year 1643, that in which the *Solemn League and Covenant* was concocted and passed by the General Assembly of the Kirk, may be taken as the year in which our hero was born.[2] If this be accurate, he must have attained majority before entering college; the date of his matriculation being 13th February, 1665. After a few years devoted to classical and scientific studies at St. Andrews, he betook himself to the profession of arms abroad, first serving a brief campaign for France, and thereafter, during the remaining period of his absence, riding as Cornet and Captain, in the royal guard of the Prince of Orange. And this accounts for nearly ten years of his manhood, before he became known at all in his native country.[3]

While thus employed, he could scarcely fail to have become more or less associated with another distinguished

[1] See before, vol. i. p. 30.

[2] See before, vol. i. p. 183.

[3] We have to thank that low Thersites of the Cameronians, Patrick Walker the chapman, for an involuntary compliment to the character and habits of Claverhouse, shining in the midst of vile abuse, like a jewel in an Ethiop's ear:—"The *Hell wicked-witted, bloodthirsty*, Graham of Claverhouse, *hated to spend his time with wine and women*, which made him *more active* in violent, unheard of persecution, especially *blood*."—*Walker's Biography of Mr Walter Smith*: 1732. *Reprinted, Edinburgh, Stevenson*, 1837.

Digitized by Google

volunteer, who was destined to play a part in the history of the Troubles, yet more conspicuous, more ambitious, and more tragical than his own,—the Duke of Monmouth. In 1672 a war broke out between France and Holland, of which Flanders became the seat; and hence the young nobility and gentry of other countries, desirous of distinction in arms, were attracted to that quarter, as the nursery of glory and honour. Monmouth, in the spring of that year, "royally attended by a great train of gentry, and having a complete band of stout English soldiers under his command, joined the King at his leaguer at Charleroy."[1] According to the contemporary account here quoted, and which was published in the heyday of Monmouth's popularity, he became very conspicuous there, and greatly distinguished himself by his personal bravery in the various sieges of which the campaign consisted. And this was the service in which Claverhouse, too, first learnt the art of war.

"Dundee," says another old chronicler,—and one whom Lord Macaulay has honoured with especial notice, yet had not read with sufficient attention to discover the following passage,—"Dundee seemed formed by Heaven for great undertakings, and was in an eminent degree possessed of all those qualities that accomplish the gentleman, the statesman, and the soldier. He was descended from the ancient and noble family of Montrose, a family fruitful of heroes, and illustrious by the great persons that have adorned it. The gentleman I speak of had an education suitable to his birth and genius. After he had finished the course of his studies at home, he travelled into France for his further improvement; and having a strong inclination to acquire some knowledge in the military art, he served several years as a volunteer in the French army, under the famous Marischal Turenne. But the Prince of Orange being a nephew, and afterwards a son-in-law, of the royal family of Great Britain, he passed over into

[1] "An Historical Account of the heroic Life and magnanimous Actions of the most illustrious Protestant Prince, James Duke of Monmouth," &c. "*London*, printed for Thomas Malthus, at the Sun, in the Poultry, 1683." This curious little volume, the object of which is manifest enough, is dedicated to "The most illustrious Princess Anne, Duchess of Monmouth and Buccleugh."

Digitized by Google

Holland, where he soon recommended himself to that Prince, who complimented him with a Cornet's command in his horse-guards. He was then an Esquire, under the title of John Graham of Claverhouse; but the vivacity of his parts, and the delicacy and justness of his understanding and judgment, joined with a certain vigour of mind and activity of body, distinguished him in such a manner from all others of his rank, that, though he lived in a superior character, yet he acquired the love and esteem of all his equals, as well as of those who had the advantage of him in dignity and estate."[1]

This character agrees so entirely with the shorter eulogy pronounced by Principal Munro immediately after the death of Dundee, and is so consistent with all that we find in his own voluminous correspondence illustrative of his character and dispositions, that we have no hesitation in adopting the portrait as most faithful and exact, and as having been derived from the best informed contemporary sources by the chronicler of Lochiel.

A short Memoir of Dundee, by one simply designing himself "An Officer of the Army,"—who may be considered a contemporary, as his work was published only twenty-five years after the battle of Killiecrankie,—gives the same account of our hero, and records an incident which, since Lord Macaulay has rejected it with peremptory and elaborate disdain, requires to be circumstantially restored. For it is alike true and inteesting.

"This worthy gentleman,"—says the Officer of the Army, speaking of Dundee,—"with the happy advantages of an hereditary loyalty, and a liberal education in humanity and mathematics,—in which he made a very considerable progress,—to qualify himself for the service of his King and country travelled into France, where he spent some time in the French service, as a volunteer, with great reputation and applause. For his further improvement he went from thence to Holland, where his early inclination to arms recommended him to the Prince of Orange, who made him Cornet of one of his own troops of guards, which post soon gave him an oppor-

[1] Memoirs of Sir Ewan Cameron of Lochiel. See before, vol. i. pp. 31, 33, 179.

Digitized by Google

tunity of showing himself to the world. For, at the battle of St. Neff, when the Prince of Orange was dismounted, and in great danger of being taken, he rescued him, and brought him off upon his own horse. His Highness requited this brave action by making him Captain of one of his troops of Guards. This, together with his other distinguished merits, recommended him to the favour of King Charles, and the Duke of York, and made him as universally feared as known to his enemies. One of the Scots regiments in Holland becoming vacant, his interest with the Court of England, and the Prince of Orange's promises for services performed, encouraged him to stand candidate for the regiment, which a Dutch interest carried against him. He resented this affront so highly, as to leave the Dutch service, and return to Scotland in 1677, where King Charles raised a regiment of foot, and three independent troops of horse, the first of which (troops) he gave to Captain John Graham of Claverhouse."[1]

[1] "Memoirs of the Lord Viscount Dundee, the Highland Clans, and the Massacre of Glencoe, with an account of Dundee's Officers after they went to France: *By an Officer of the Army:* London, printed for Jonas Brown, at the Black Swan: 1714." Upon this interesting and generally authentic volume, (which, however, is rudely printed, and somewhat hastily compiled), Lord Macaulay has bestowed the following ferocious note. *Causa patet.*

"I have seldom made use of the Memoirs of Dundee, printed in 1714, and never without some misgiving. The writer was certainly not, *as he pretends*, one of Dundee's officers, but a *stupid and ignorant Grub Street garreteer*. He is utterly wrong, both as to the *place* and as to the *time* of the most important of all the events which he relates, the battle of Killiecrankie. He says that it was fought on the banks of the *Tummel*, and on the 15th of June. It was fought on the banks of the *Garry*, and on the 27th of July. After giving *such a specimen* of inaccuracy as this, it would be idle to point out *minor blunders*."—*Hist.* vol. iv. p 345.

It was idle in such a historian to write the note at all, for it is sad hectoring. Lord Macaulay first founds upon a *mistake of his own*, and then makes a mountain of a molehill; and all from anxiety to destroy a contemporary record because it happens to be valuable to the fame of Dundee. Had the author of those memoirs really told us that he was *one of Dundee's officers*, we would rather have taken *his* word for the fact, than Lord Macaulay's against it, notwithstanding of a blunder in a date or a place. Suppose he had said so, are we to fasten upon an author the imputation of a deliberate, and most useless, *false* account of himself, and one that could not fail to have been detected at the time, because we find blunders in a rudely printed old volume, which after all may have been a misreading of the MS.? But the best of it is, that this old chronicler pretends to no such thing. He writes under the title of "An Officer of the Army." He also appends to his short Memoir of Dundee, an interesting account of the fate in exile of those gallant sufferers,

Digitized by Google

This chivalrous anecdote, in favour of Dundee (which goes no further, in this contemporary record), was not to the taste of Lord Macaulay, who labours to destroy its credit in various critical notes to his great work; notes which, we regret to add, must be characterised as ingenious rather ingenuous. In the story thus told, by the contemporary we have quoted, there is nothing at all improbable. But in the Memoirs of Sir Ewan Cameron (of a much later date) there does occur an *additional* illustration of Cornet Graham's exploit, the very reverse of heroic, and which bears a most apocryphal stamp. The main incident, of the rescue of the Prince, indeed, is there given in nearly the same terms as by the older chronicler; and, moreover, as we shall presently find, that incident is verified, in Lochiel's Memoirs, by a reference to other contemporary authority scarcely to be impugned. There follows, however, a separate story, which we shall here lay before our readers in the very words of Sir Ewan Cameron's biographer, who gives no authority for this part of his narrative.

"The Prince, in reward of this service, gave him a Captain's commission, and promised him the first regiment that should fall in the way; and, some years thereafter, there happening a vacancy in one of the Scotch regiments, he stood candidate for it, not only upon assurance of that promise, but also of the letters he procured from King Charles and the Duke of York, recommending him to the Prince in very

"Dundee's officers," after the battle of Killiecrankie. But he no where calls himself *one of them*. We would rather say, he writes as if he were *not* one of them. Then, as for mistaking the *place* of the battle of Killiecrankie, what Dundee's chronicler says is this: Dundee "marched his army to *the hills* on the north side of the water Tummel." And so he did. Then he adds that Mackay's army was marshalled in a certain position "*near* the river Tummel." And so it was. It would have been more *precisely* accurate, indeed, to have specified the nearer *Garry*, which loses itself, and its name, in the Tummel a little below the Pass of Killiecrankie. As for the *date* of the battle, which in the Memoirs of Dundee is said to be 13th June, 1689, a misprint of June for July, and some confusion between old and new style, might account for that blunder. The date of the battle of Killiecrankie has been often variously stated. Malcolm Laing, Sir Walter Scott, and Sir James Dalrymple, all give wrong dates. Probably the date 27th July, 1689, as given by Lochiel's chronicler, is the correct date, new style. But who but Lord Macaulay would have called the gallant and enthusiastic chronicler of Dundee "a stupid and ignorant Grub Street garreteer," because of a few inaccuracies of far less importance than some committed by Lord Macaulay himself, in his greatest work.

Digitized by Google

strong terms. But notwithstanding of all this, the Prince preferred Mr Collier, a son of the Earl of Portmore, to the regiment.[1] The Prince then resided at his Palace of the Loo; and Captain Graham, who was absent when this intrigue was carrying on, chancing to meet Mr Collier in the Palace-court, expostulated the matter in very harsh terms, and *gave him some blows with his cane.* The Prince either saw, or was soon informed of what passed, and ordering Captain Graham, who had been seized by the officer of the guard, to be brought before him, he asked him how he dared to strike any person within the verge of his Palace? The Captain answered, that he was indeed in the wrong, since it was more his Highness's business, to have resented that quarrel, than his; because Mr Collier had less injured him, in disappointing him of the regiment, than he had done his Highness in making him break his word. 'Then,' replied the Prince, in an angry tone, 'I make you full reparation; for I bestow upon you what is more valuable than a regiment, when I give you,—your *right arm.*' The Captain subjoined, that since his Highness had the goodness to give him his liberty, he resolved to employ himself elsewhere, for he would not serve a Prince longer that had broke his word. The Captain having thus thrown up his commission, was preparing in haste for his voyage, when a messenger arrived from the Prince with two hundred guineas for the horse on which he had saved his life. The Captain sent the horse, but ordered the gold to be distributed among

[1] Here is a mistake, which indicates that the chronicler of Lochiel was not recording this anecdote upon very accurate investigation or authority. There was no Earl of Portmore at this period. David Collier, or Colyear, was the eldest son of Sir Alexander Robertson of the family of Strowan in Perthshire, who was created a baronet of England in 1677. The father settled in Holland, where he made a fortune, and assumed the name of Colyear. The eldest son David, a volunteer in Holland, like Claverhouse, was created a peer of Scotland in 1699, by the title of Lord Portmore and Blackness. He was subsequently advanced in the peerage to the Earldom of Portmore in 1703; having previously married the witty Countess of Dorchester, the mistress of James II. The history of this fortunate family, which became very distinguished in its various branches, will be found in Wood's Peerage. But this comrade of Claverhouse in Holland was himself the *first peer* of the family, which peerage he received from King William after the Revolution. Thus these young Scotch volunteers, rivals it seems, both gained peerages; but Claverhouse was the first ennobled.

Digitized by Google

the grooms of his Highness's stable. It is said, however, that his Highness had the generosity to write to the King and the Duke, recommending him as a fine gentleman, and a brave officer, civil or military."[1]

Claverhouse could the more easily spare that gallant charger, since he was so soon to be mounted, in Scotland, on the Devil himself in the shape of a coal-black steed. The anecdote may be consigned to the limbo of Wodrow's famous fable of the "Christian Carrier." Lord Macaulay, in the face of common sense, scrupled not to take the carrier into his high historic keeping. But he was choice in his adoption of nonsense, and this did not suit him. That Captain Graham of the Orange Horse Guards, he who carried a snow white plume like a meteor through the ranks of death at Seneff, actually walked up to Colonel David Colyear (no matter where), commanding a regiment in the same service, and administered unto the future Earl "some blows with his cane,"—and for no better reason than because the Prince had promoted him to a regiment previously promised to Graham,—is not to be believed on slender evidence. There is no hint that this insane act was in any way resented by the superior officer; and as for the royal remission of the forfeit of the right arm, that, too, bears nonsense on the face of it. Possibly some true story,—of the hot blood of the Graham and the cold blood of Glencoe,—may lurk under the extravagant tale. But we have not the particulars, and it were useless to speculate on the subject. Nor is it at all necessary to defend Claverhouse from the imputation of conduct so mean, and so little indicative of the "fine gentleman," since even Lord Macaulay declines, upon this occasion, to make use of it against a character he has otherwise so elaborately maligned. But this forbearance is not by way of doing justice to Claverhouse. He rejects the nonsense, that he may ignore the gallantry. So, in the *text* of his History, Lord Macaulay merely condescends to record that "Dundee had served under him (the Prince of Orange) on the Continent." But along with this scanty crumb of very reserved history, we are favoured with a somewhat inordinate proportion of critical note, indicating a conscious-

[1] Memoirs of Lochiel, pp. 274–5.

Digitized by Google

ness, that the textual *reticence* required a plausible commentary.

"About the early relation," says Lord Macaulay, "between William and Dundee, *some Jacobite*, many years after they were both dead, *invented* a story, which, by successive embellishments, was at last improved into a romance such as it seems strange that even a child should believe to be true. The last edition runs thus: William's horse was killed under him at Seneff, and his life was in imminent danger. Dundee, then Captain Graham, mounted his Highness again.[1] William promised to reward this service with promotion, but broke his word, and gave to another the commission which Graham had been led to expect.[2] The injured hero went to Loo. There he met his successful competitor, and gave him *a box on the ear*.[3] The punishment for striking in the Palace was the loss of the offending right hand; but this punishment the Prince of Orange ungraciously remitted. 'You,' he said, 'saved my life; I spare your right hand, and now *we are quits*.' Those who down to our own time have repeated this nonsense[4] seem to have thought, first, that the Act of Henry the Eighth, 'for punishment of murder and malicious bloodshed within the King's Court,' (Stat. 33d Hen. VIII. c. 2,) was law in Guelders; and, secondly, that, in 1674, William was a King, and his house a King's Court. *They*[5] were also not aware, that he did not purchase Loo till long after Dun-

[1] There is no edition of the story which says that "William's horse was *killed under him*." That may sound better for Lord Macaulay's hero, but the story is, that his horse foundered in a Belgian marsh, when the Prince, separated from his troops, was providing for his own safety as he best might.

[2] This is not correct either. The story is, that the Prince immediately promoted the gallant *Cornet* to a troop. He was not *Captain* Graham at the battle of Seneff. It was some years afterwards (according to the story) that he was disappointed in his application for *a regiment*.

[3] Neither is this correct. There is but *one* edition of that part of the story; in Lochiel's Memoirs, namely; and that has it, "some blows with his cane."

[4] The only *historical* repeater, so far as we can find, of "this nonsense," since the first edition of it by Lochiel's chronicler, is Lord Macaulay himself, and he has made even greater nonsense of it than what he found; and certainly no edition but Lord Macaulay's own so *vulgarizes* the alleged address of the Prince; as if he had been in the habit of playing chuck-farthing with his officers.

[5] But who are "They"? It is easy to slay a giant of one's own making.

Digitized by Google

dee had left the Netherlands. See Harris's description of Loo, 1699. This legend, of which I have not been able to discover the *slightest trace*, in the voluminous Jacobite literature of William's reign, seems to have originated about a quarter of a century after Dundee's death; and to have attained its *full absurdity* in another quarter of a century."[1]

Dolus latet in generalibus, is a brocard of the civilians, which a witty Scotch Judge once assigned as his reason for declining a dish of potatoes skilfully mashed by an artistic cook to disguise the potato disease. We warn our readers, by the same brocard, not to trust the cunning dish of mashed criticism above quoted. Two stories, a true and a false, are here ruthlessly rolled into one. Which portion, it may be asked, is the "nonsense" that Lord Macaulay means to dispose of? Is it that which tells how Cornet Graham of the Dutch guards saved the Prince of Orange at Seneff, "by mounting his Highness again?" This is all of the story that was told, "a quarter of a century after Dundee's death;" namely, in Memoirs of Dundee, 1714. But we shall immediately show, that that story had been long previously recorded, in latin verse, by Dundee's own Standard-bearer at Killiecrankie. And why should not even a child believe it? Or is it the story of the "box on the ear" (which, by the way, is *not* the story) and the remission of the bloody forfeit, that we are to regard as incredible? What child ever did believe that story? What historian has adopted it? But, alas! there is too much reason for saying, that, in the hands of this reckless political historian, and too fascinating writer, even the *impossible* tale of the "box on the ear," would have been made buoyant enough,—aye, floated by all those airy bladders of soaring style that struggled to keep the nonsense of the "Christian Carrier" on the surface for another century,—had our historian

[1] Note to Lord Macaulay's History of England, vol. iv. p. 280; *last edit.* The *nonsensical* part of the legend our historian had found in Memoirs of Sir Ewan Cameron; and, we venture to say, nowhere else. We cannot find that it has been made the subject, either of repetition or belief, by subsequent chroniclers, or historians, "down to our own time." Lord Macaulay's note is mere mystification. Such ill founded affectation of superior acuteness and information, in this trifle, was beneath the reputation of so great an author; and his burying the true anecdote under the ruins of the *false*, was not fair to Dundee.

Digitized by Google

not desired to ignore the fact that the hero of Killiecrankie once saved the life of the King of Glencoe.

That Claverhouse had distinguished himself, as a young officer, in the service of Holland, at the battle of Seneff, does not rest upon the sole authority either of the "Officer of the Army," who published that short Memoir of Dundee in 1714, or of the biographer of Lochiel, who wrote at a later period. A nameless, but unquestionably contemporary rhymester quoted in our previous volume,[1] (not the Standard-bearer, to whom we shall presently refer), records the fact in most complimentary doggrel, dedicated to "The right honoured Captain John Graham of Claverhouse," upon new-year's day, 1683. Certes a very bad poet, but marry, good evidence. He thus describes Claverhouse to the hero himself:—

> "Unto the Allies' camp he does resort,
> And is advanced to the great Orange Court.
> *I saw the man who at St. Neff did see*
> His conduct, prowess, martial gallantry;
> *He wore a white plumach that day;* not one
> Of Belgians wore a white, but him alone;
> And though that day was fatal, yet he fought,
> And, for his part, *fair triumphs* with him brought."

Unfortunately these "fair triumphs" are not particularized by this poet. A couplet, even of his worst lines, bestowed upon the incident of saving the Prince, would have been highly acceptable. But, lo! another contemporary poet, also a devotee of Claverhouse, and his companion in arms at Killiecrankie, supplies what is wanting. We do not put poets into the box as witnesses *omni suspicione major*. The best poetry is often the worst history, and furthest from the reality. There is as little of historical truth in the Burleigh of Sir Walter Scott, as there is in the Bothwell of Professor Aytoun. But, nevertheless, the worst of poets may happen to be the best of witnesses. If the event, or exploit, be not very marvellous, we may believe the troubadour who harps it to the hero of the incident himself, or who harps it of a hero whose familiar the minstrel himself has recently been. But the poet we are about to quote was not a mere rhymester. He was a man

[1] Page 325.

Digitized by Google

of high classical attainments, and undoubted genius, although the Latin epic which he composed to immortalize the great campaign of Dundee that ended with the hero's life, has been suffered to remain in obscurity, untranslated, and unedited, in the original manuscript, down to the present time. Any knowledge which the world has hitherto obtained of it is entirely due to the enthusiastic compiler of the Memoirs of Sir Ewan Cameron, whose own manuscript dates about a century back. That chronicler says:—

"It is presumed that the reader will not be displeased to have a particular account of the actions of this great man (Dundee), especially in so far as they have a connexion with the subject in hand. Besides the assistance I have from the Earl of Balcarres his memoirs of the wars, and the several relations I have had of them from many who were *eye-witnesses*, I have before me a *manuscript copy* of an historical latin poem, called 'The Grameis,' written in imitation of Lucan's Pharsalia, but unfinished, by *Mr Philips of Amryclos*, who had the office of *standard-bearer* during that famous expedition."[1]

The chronicler of Lochiel is here referring to Dundee's operations in the north, which preceded his great victory; and for all the most interesting details of those complicated and exciting movements, he draws largely upon the epic of the standard-bearer. He does not, however, quote the latin text, but merely intersperses throughout his own narrative free translations of a few particular passages, done into English verse by himself, rude enough at times, but in general by no means destitute of poetical merit. Lord Macaulay could not fail to be cognizant at least of the existence of this poem, for he frequently quotes the Memoirs of Sir Ewan Cameron. From that source, indeed, he has condescended to borrow largely, both graphic details, and characteristic touches, illustrative of Dundee's last campaign. But in his use of this interesting chronicle (through which are interspersed as we have said, various translations from "The Grameis"), the noble historian has indulged his own predilections to an unpardonable extent. He takes no note of any thing whatever

[1] Memoirs of Lochiel, p. 235-6.

Digitized by Google

in that chronicle which happens to elevate or adorn the character and actions of the hero of Killiecrankie. Nor can we avoid surmising that this was the spirit which engendered the cautious reserve, and something akin to what in moderate phrase we may term *mystification*, pervading the following note of authorities to that page of Lord Macaulay's history?—

"Narrative in the Nairne papers: Depositions of Colt, Osburne, Malcolme, and Stewart of Ballachan, in the Appendix to the Act. Parl. of July 14, 1690: *Memoirs of Sir Ewan Cameron.* A *few touches* I have taken from *an English translation* of some passages in a *lost epic poem*, written in latin, and called the Grameis. The writer was a zealous Jacobite named Phillipps."[1]

Whatever the structure of this note may seem to imply, no translation of the epic, there spoken of, is known to exist, saving and excepting the very few passages scattered through the narrative, of "Memoirs of Sir Ewan Cameron." Why these memoirs, and "an English translation" of some passages in the said epic, should be so distinctly referred to as separate and independent authorities, from whence Lord Macaulay had increased the varied and vaunted stores of his historic mind, we do not pretend to explain. There are tricks in all trades. But this may be affirmed, that our greatly informed historian's knowledge of the work of "a zealous Jacobite named Phillipps," and also of the *author's name*, is precisely commensurate with his knowledge of the antiquarian Club print, entitled Memoirs of Sir Ewan Cameron, which he so frequently quotes. To that quaint and interesting chronicle is he entirely indebted for those "few touches" to which he somewhat amusingly refers, with the artistic nonchalance of a practised compiler, who does not always care to be very explicit. But why, as regards the hero of the *Grameis*, are his touches so few? Touches, indeed! In the present instance, at least, we may say of this most ornate of historians, *Quod tetigit non ornavit.* From these translated passages, occurring *in gremio* of Lochiel's memoirs, not a touch has he conde-

[1] Note to Lord Macaulay's History of England, vol. iv. p. 345, *last edition.* See before, p. 397, *note.*

Digitized by Google

scended to take that would tend to elevate, or add interest to, the character of Dundee. Yet one of those passages actually contains, and is the *first* edition of the heroic incident of the rescue of the Prince of Orange by his own guardsman, Cornet John Graham of Claverhouse! How came our historian to miss that touch? A "lost epic"? It is not lost. We have before us at this moment the *original* manuscript, all written by the hand of Philp of Amryclos himself, and two excellent transcripts of it besides.[1] The date of the original manuscript is 1691, the second year after that in which Dundee fell. It belongs at least to the unpublished "Jacobite literature of William's reign." True, Lord Macaulay adds, that he had been "unable to discover the *slightest trace* of the legend." But then, with the memoirs of Sir Ewan Cameron in one hand, and "an English translation of some passages in a *lost* epic poem written in latin, and called the *Grameis*," in the *other hand* (as he tells us), surely our noble historian had not far to seek. 'Where,' said an ingenious debtor, at his wits end, when suddenly confronted by the unwelcome apparition of a creditor usually resident at *Swansea*,—'where *have* you been hiding? I have been seeking you in every quarter of the globe,—trying for you in every nook of the world.'—'Did you ever happen to try *Swansea?*' replied the matter of fact creditor.

That "The Grameis," or the *Gramiad*, may be quoted as a strictly contemporary authority, is proved by the context. "This author," says Lochiel's biographer, "joined Dundee in the retreat I have mentioned (from the Scotch Convention),

[1] The original manuscript of this very able and interesting performance has been preserved in the manuscript room of the Advocates' Library. It has never been either printed or translated, a neglect it by no means deserves, as shall be shown in another Part of these Memorials, where we hope also to be able to give some account of its gifted author, James Philp of Amryclos, or *Almericles*, in the county of Forfar. It bears on the title-page the date 1691, and to be all written "*Autoris manu*." Only two *transcripts* of it are known to exist, both of which have come into the fitting possession of Mr David Laing of the Signet Library, to whose kindness we are indebted for the use of them, to aid in consulting the original MS. Both of these copies are old MS., and one probably is that to which the chronicler of Lochiel refers as being then before him: he does not appear to have been aware that the original, in the author's own handwriting, was extant.

Digitized by Google

as he intimates in these words: '*Ipse ego militiam,*' &c." This portion of a line is all that the chronicler quotes of the original Latin; but he adds a translation by himself as follows:—

> "I, too, attend the illustrious Grœme along;
> The King, my sword, his hero, claim my song.
> Such rare examples antient times afford,
> Thus tuneful Ennius waits on Scipio's sword;
> The Muses cluster round; nor less my theme;
> Equal their *merit*, and their *cause* the same."[1]

Now, it is in the fifth book of the *Gramiad*, that the poet figures his hero, the wakeful Dundee, when compelled, most reluctantly, to retreat before the superior forces of the Convention, apostrophizing, during the watches of the night, his old commander William of Orange, in a strain of desponding but indignant remonstrance, as the most ungrateful of all the House of Nassau, and of men, a base robber, and the wicked origin of all this evil, and asks, why he should thus inveterately pursue, and harass with superior forces, him, Dundee, who with meritorious loyalty was upholding the standard of the rightful Sovereign: "Did not I,"—soliloquizes the hero,—"did not I, when you were retreating, on your exhausted charger, through the Belgian marshes, before the victorious

[1] The following is the entire passage in the original, which Lochiel's chronicler translates rather too freely, and very imperfectly:—

> "Ipse ego militiam, Gramumque, in castra secutus
> Regia: Sic, medio bellorum in turbine fortem
> Scipiadem ipse pater stipaverat Ennius olim;
> Nec cecinisse ducis mihi contigit acta minoris;
> Cui Macedum magnus cedat Rex pectore et armis,
> Et Capitolinæ defensor Manlius arcis;
> Cui ferus ipse etiam eversor Carthaginis altæ
> Cedat, et Iliacos qui cinxerat agmine muros."

The old Latin poet Ennius is said to have constantly attended Scipio Africanus the elder, in his campaigns; a fact which Mr Dunlop in his History of Roman literature illustrates with these lines of Claudian:—

> "*Hærebat doctus lateri, castrisque solebat*
> *Omnibus in medias Ennius ire tubas.*"

Hence the allusion of the classic Standard-bearer of Dundee. The glorification of his hero, in the lines quoted, even above all the greatest heroes of Greece and Rome, is hyperbolical; but the passage is fine, and highly creditable to the classic attainments of the author.

Digitized by Google

bands of the *lilly-bearing* Frenchman, did not I myself, remounting you upon my own bounding steed, snatch you from the midst of the foe, and lead you back in safety to your leaguer? Is this my reward for such a service? Shame to the iniquitous usurper of the sceptre of his own father-in-law."

> "Tu vero, Arctoæ gentis prædo improbe, tanti
> Fons et origo mali, Nassovi, ingrate virorum,
> Immeritum quid me, nunc Cæsaris arma secutum,
> Prosequeris toties, et iniquo marte fatiges?
> *Nonne ego, cum lasso, per Belgia stagna, caballo,*
> *Agmina liligeri fugeres victricia Galli,*
> *Ipse mei impositum dorso salientis equi, te*
> *Hostibus eripui, salvumque in Castra reduxi?*
> Hæcne mihi meriti persolvis præmia tanti?
> Proh scelus! O Soceri raptor, nequissime, sceptri."

The above passage was unknown to Lord Macaulay *in the original;* and the free translation of it afforded by the biographer of Lochiel (perfectly sufficient to prove the fact) he was pleased to *ignore.*[1] And must we believe that this Standard-bearer, and minstrel of the campaign, Dundee's familiar and companion in arms, really took it upon him to "invent" an incident so peculiar as this; in the life-time, too, of King William himself, and so early as in the second year after the battle of Killiecrankie? But to this epic, which happily is *not* lost, we shall have to recur in another section of these Memorials.

According to the Memoirs of Dundee published in 1714, the year of his return to Scotland was 1677. Several considerations render this most probable. In that year a treaty was concluded between France and Holland, which put an

> [1] "When the fierce Gaul, through Belgian stanks, you fled,
> Fainting, alone, and destitute of aid,
> While the proud victor urg'd your doubtful fate,
> And *your tir'd courser sunk beneath your weight;*
> *Did I not mount you on my vigorous steed,*
> And save your person by his *fatal* speed?
> For life and freedom then by me restored,
> I'm thus rewarded by my Belgick Lord.
> Ungrateful Prince!"—*Memoirs*, p. 274.

Digitized by Google

end to the service in which Claverhouse had distinguished himself on the side of the allied confederation against France. Immediately thereafter the young and heroic Prince of Orange, came over to England, on his matrimonial expedition, which soon resulted in his nuptials with Princess Mary of England. Possibly enough, the future hero of Killiecrankie may have encountered some disappointments or disgusts in the course of his professional progress abroad, his spirit being high, his ambition soaring, and his temper hasty. But the year 1677 afforded a natural termination to his services in Holland; and no credit whatever can be attached to the story, that he had so conducted himself in the matter of Colonel David Colyear's promotion, as to have any reason to suppose that the Prince of Orange would report him to his Sovereign, and to the Duke of York, in other terms than those of the highest commendation, both as a soldier and a gentleman. Then we find that it was the very commencement of the year 1678 when Claverhouse was first solicited to enter the service of his own Sovereign, in an honourable but somewhat subordinate position. The fact is circumstantially proved by the letters of his young and amiable chief, the third Marquis of Montrose, produced in the previous volume of these Memorials.[1] On the 19th of February, 1678, it is, that the Marquis writes that letter of earnest solicitation, in which he says,—"I am ashamed to offer you anything so far below your merit, as that of being my Lieutenant;" and holds out to him all the flattering inducements he can think of, to attract his ambition, and flatter his pride. And on the very same day the Marquis also writes to his other clansman, Graham of Monorgan and Fintrie, urging him to aid in this much desired object, and indicating the source of his anxiety to succeed; for he says,—"His Royal Highness has a very good opinion of Claverhouse, and *he bid me by all means* to get him for my Lieutenant." As the Prince of Orange arrived in England in the month of October 1677, and was married to the Princess Mary in the month of November thereafter, the source of our hero's high reputation with the Duke of York is sufficiently apparent. These interesting missives prove two facts. *First:* At the commence-

[1] Vol. i. p. 183–5.

Digitized by Google

ment of the year 1678, Claverhouse had not yet entered the service of his own Sovereign, and was unknown in Scotland as a public man. *Second:* He had returned from foreign service with a reputation so high as to cause the Duke of York to express great anxiety to secure his services at home. Nor can it well be doubted that the chief testimony in his favour had been afforded to the royal family by the Prince of Orange in person.

According to such evidence of the time of his birth as we have been able to discover, Claverhouse was in the thirty-fifth year of his age, or thereabouts, when he re-appeared in Scotland; no longer a youth, but, as Sir Walter Scott expressed it, (when in his *complimentary* vein), "every inch a soldier and a gentleman,"—a commendation which few public men in Scotland at that time deserved. Totally unconnected with "the Troubles," either relative to the fall of the Monarchy or its restoration, he suddenly entered the arena of politics and polemics, among statesmen hardened in the iniquities of the times, with no other bias than what he may be supposed to have derived from the loyalty of the noble race whence he sprung.

A remarkable circumstance, affording a true index to the powers of his mind, and the force of his character, is this: No sooner had he returned to Scotland, where he was unknown before, than we find him taking a place among the greatest and busiest statesmen of the day, installed at once either as the ally, the opponent, or the rival of men much above him in dignities and wealth, attracting the friendship of some, the jealousies and fears of others, but commanding the involuntary admiration and respect of all. And this lofty position, to which a Scotch laird of very moderate fortune could have no pretension save through his own merits, he seems at once to have occupied *per saltum*, without passing through any probationary period that can be reckoned. The whole term of his active existence, as a soldier and a public man, in his own country, is comprehended between the years 1678 and 1689. In that short space of time, we shall find this second meteor of the House of Graham, hurrying through the various phases of his destiny,—a smart officer, an able Captain, a dis-

Digitized by Google

tinguished statesman and privy councillor, a loyal peer, and, finally, the solitary General of a falling dynasty, whose death in the arms of victory enabled *Proh-scelus-O-Soceri-raptor-nequissime-sceptri* to draw his first breath of security as Monarch of England, and to torture Nevil Pain, and to massacre Glencoe, in peace and quiet under the new Presbyterian settlement of Scotland.

The reply of Claverhouse to the proposition of his chief has not been discovered. But his acceptance of an offer made in terms so delicate and flattering, may be assumed. Indeed, we see that it came to him in the shape of a complimentary requisition from the highest military authority in the country. Then the additional inducement held out by the Marquis of Montrose, when he wrote,—"I am promised to be very quickly advanced, and you shall either *succeed to me*, or share with me in my advancement,"—must have been irresistible. Accordingly, the promotion almost immediately followed that promise. Before the close of the same year in which the first offer was made, we find Claverhouse himself in command of a troop, being the leading one of three independent troops of horse raised to meet the insurgents in Scotland. The other two were commanded, respectively, by men of high rank and distinction in the State, namely, the Earls of Home[1] and Airly.[2] Young Montrose himself was suddenly promoted to command the troop of royal Guards in Scotland, a very distinguished and important trust of which the Marquis of Athole had been summarily deprived, owing to the suspicious complexion of his wavering conduct, at a critical period, occasioned mainly by his private quarrel with their High and Mightynesses, the Duke and Duchess of Lauderdale.[3] And no sooner

[1] James, fifth Earl of Home; son of that Earl who, along with other jealous border nobles, sold the devoted Montrose to David Leslie at Philiphaugh. President Spottiswoode, writing of Montrose's difficulties and crosses immediately before that fatal surprise, says,—"Besides, he was *invited* hereunto, by the Earls of Roxburgh and Home, who, when he was within a dozen miles of him, have rendered their houses and themselves to David Leslie, and are carried in as prisoners to Berwick."—*Memoirs of Montrose*, 1856, vol. ii. p. 572.

[2] James, second Earl of Airly, who, as Lord Ogilvy, was the aide-de-camp, and ever faithful attendant of the great Montrose. He suffered much in the cause of royalty. See our Memoirs of Montrose *passim*.

[3] From the Records of the Privy Council, of date 5th October, 1677, it appears

Digitized by Google

is Claverhouse in command of that troop, than we also find him placed at the head of a combined, or as it was then called a "commanded party" of horse and dragoons, and ordered on the special and most unenviable expedition, to quiet or to quell the rebellious districts in the south and west of Scotland. To place this distinguished and experienced officer at once in that command, answerable only to head-quarters, was a wise measure of Lauderdale's. The highest testimony had been afforded of the fact that his capacities were in all respects equal to the emergency; and the negative quality of his antecedents, as regards the condition of Scotland, and his consequent freedom from all strong bias of local interests, and party entanglements, caused him to be preferred even before the Earls of Home and Airly, for a service which, at that crisis, was of vital importance even to the standing of the Throne. As for young Montrose, his antecedents and hereditary position rendered it neither politic nor seemly that he should be sent on such a mission as hunting fanatics among the mountains of Scotland. He represented, and was only second in lineal male descent, from that great Montrose who had hunted fanatics on a right royal scale:—who had, no very long time before, conquered covenanting Scotland from the Spey to the Tweed:—who, in the terrible course of that Attila scourging of the demon of rebellious and fanatical tyranny, had degraded and crushed Argyle and the whole clan

that the Marquis of Athole was then "Captain of his Majesty's troop of Horse Guards in Scotland," to which troop there is ordered to be added, at that time, forty horsemen. 19th February, 1678, is the date of the Marquis of Montrose's letter to Claverhouse, urging him to become his Lieutenant of that troop of gentlemen which he was then about to raise in Scotland. 21st November, 1678, is the date of Montrose's own appointment to command the troop of Guards in Scotland, which command he held until his untimely death in 1684. See before, vol. i. p. 333, *and note*. Athole had succeeded the Earl of Newburgh in that high command, upon the death of the latter in 1670. Nicoll, in his diary, gives this account, of the constitution of the corps at the Restoration: "At this Parliament, 1661, there was a company of noble and gentlemen's sons, and friends, elected to be his Majesty's Life Guard, consisting of six score persons, all gallant gentlemen, under command of the Lord Newburgh; who, after their oath taken for their loyal service to their Sovereign Lord the King's Majesty, upon the Links of Leith, did all of them ride through the town of Edinburgh upon the 2d of April, 1661, in gallant order, with their carabines upon their horses saddles, and their drawn swords in their hands."

Digitized by Google

Campbell:—who had exposed and disgraced the two first semi-covenanting, and semi-loyal, Dukes of Hamilton:—whose yet recent glory could only be remembered with a blush, even by the loyal Houses of Huntly in the north, and of Douglas in the south:—whose isolated fame had left (with the marked exceptions of Ogilvy and Napier), scarcely a noble shield in Scotland without a stain, or at least a shadow. And, moreover, at the helm of the labouring State, all powerful to direct the present policy, stood Lauderdale, erst the raging covenanter, who, but a few years before, had clamorously denounced the great Montrose to Charles the Second, and to the Duke of York, and to the whole of Europe, as a *traitor* and a *bloody murderer*, for nothing else, as he himself afterwards admitted, but his faithful and victorious loyalty.[1] Charles the Second, unprincipled, selfish, and good natured, had to reconcile these difficulties as he best might. Lauderdale was now the minion of a Sovereign whose covert and dishonest tendency towards the Church of Rome had been much confirmed by his dearly bought experience of the ways of the Covenant. Charles had learnt to his misery, and very nearly to his personal destruction, that (if we may be allowed to quote a rude but very truthful doggrel),—

> "A *covenanting* Presbyter is neither more nor less,
> Than a power seeking Papist, in a very dirty dress."

And hence the repentant and regenerated Lauderdale, so early as 1660, was placed, practically, at the head of the Scotch counsels, to secure him in his new born loyalty; and, indeed, under all the circumstances, a better Secretary for Scotland could not have been appointed. At the epoch of the mock coronation at Scone in 1650, Lauderdale had been driven into exile by Argyle. He had fought at Worcester on the King's

[1] During the struggle among the Scotch statesmen at the Hague, after the murder of Charles the First, for supremacy in the counsels of the young King, Lauderdale was leader of that vicious clique, who now pretending to be loyal, were still abusing the devotedly loyal and "clear-minded" Montrose, in those covenanting terms which the witty Queen of Bohemia thus notices in a letter to himself: "I doubt not but you have seen by this, the proclamation against Morton and Kinnoul, and all the adherents of '*that detestable bloody murderer and excommunicated traitor, James Græme.*' The *Turks* never called the *Christians* so." See *Memoirs of Montrose*, 1856, vol. ii. p. 720.

Digitized by Google

side, and fallen into the hands of the enemy. The Restoration found him a prisoner of State in the Tower, where he had been for nine years. Under these circumstances Charles the Second could not decapitate the nobleman, however deserving of death at his hands, who had so powerfully aided in dethroning his father, and who was of the wretched cabal of covenanting chiefs that sold his blood. To have left him to his own conscience would have been to provide a most unscrupulous heart, and a most able head, for the rebellion in Scotland, which, under such leadership, must have been somewhat more formidable than even in the shape it assumed under the flickering auspices of the feeble Earl of Argyle, with his trepanned skull,[1] or the more dangerous but boyish ambition of the spoilt and petted Monmouth. Lauderdale thus established, found nothing to alarm him in the favour with which the gentle Marquis of Montrose was regarded at Court; although that was so great that the Duchess of Hamilton, writing at the close of the same year in which a commission was offered to Claverhouse, speaks of a report, "that the Marquis of Montrose is to marry with the blood royal."[2] And so it came to pass, that, under the premiership of his grandfather's bitterest enemy, this young nobleman was invested with the command of the Royal troop of Guards in Scotland, while his distinguished clansman, whose services he had so recently solicited, was not only promoted as then promised, but immediately thereafter ordered (with a very inadequate and imperfectly organised force of cavalry), upon that critical adventure, the suppressing of armed conventicles in the worst conditioned districts of Scotland. His high mind, accomplished genius, and energetic talents had indeed fallen on evil times. At the close of the year 1678 he set out upon that inglorious expedition, in which he had little prospect of effecting his object by forbearance, and yet could expect no credit by severity, and no laurels by success; a field of action so unpromising and disgusting, as to cause Queensberry, in one of his jealous and petted moments, to write, with a touch

[1] See before, vol. i. p. 317.

[2] Letter from the Duchess of Hamilton to Sir James Turner, 4th November, 1678, printed in the Appendix to Turner's Memoirs, p. 276.

Digitized by Google

of malice in the anticipation,—"For the affair of the *fanatics*, its an employment I am not very ambitious of, and when Claverhouse and Earshall *exoner me* of it, I shall acknowledge the favour, and do wish them success in that and their other trusts."[1]

By a happy chance, the very first dispatch which Claverhouse wrote to head-quarters, after starting on this his first expedition, in the month of December 1678, has been preserved. We can thus trace his career from the commencement; and, indeed, the voluminous collection (though still imperfect), of his recovered letters, at length brought together, enables us to lay before our readers a wonderfully complete series of his dispatches, and political and confidential correspondence, from his first important commission as a soldier of the King, to the end of his devoted life. But ere following him further it will be necessary to bestow a section upon the redoubtable subject of the Conventicles in Scotland, to suppress which our hero was only first commissioned in 1678, but against which the distracted Parliament and Council of Scotland had been striving for many years previously, with little success.

Section II.—*A word or two of the Field Conventicles against which Claverhouse was first commissioned to act at the close of the year* 1678.

One device, of a Government sorely put to it to preserve the peace of the country, and to uphold the restored Throne, was to ordain, by certain penal statutes, and various orders in Council, that parishioners should abstain from Conventicles; that they should frequent the parish church, and be seen there, not in testimony of their faith or religion, but as a test of their peaceable dispositions, and their submission to the law of the land, and to keep them out of rebellion, misery, and ruin. Hence, *obstinately to refuse to conform* (and none but the worst or the weakest characters did at that crisis obstinately refuse), became a State crime, amenable to the severest

[1] See before, vol. i. p. 257.

Digitized by Google

statutory penalties, but in point of fact only punished according as circumstances rendered the application of the law a matter of State necessity. The phrase "nonconformity," which of itself, and in these times, suggests to ordinary minds nothing very alarming or atrocious, has proved extremely convenient for clerical calumniators, and political essayists. Interpreted in the most innocent sense, stripped of its real meaning and attributes relative to the era of the Restoration, presented even under a saintly aspect in reference to that unhappy period of history, it has been assumed, in this fictitious guise, as the sole and blameless cause of all those lamentable public examples (wonderfully few under the circumstances), which in truth were forced upon the various Governments of the Restoration, by the most insidious and dangerous rebellion. To the modern sense, *nonconformity* implies as little of a crime demanding the stern intervention of the executive, as not rising by times. Hence, how easy was it for the false cry of an unscrupulous fanaticism, to enlist the sympathies of the good, and carry history by storm. What! shoot a Christian carrier, imprison a pious peasant, for conscientious nonconformity? Deprive a poor harmless old man of his horse, a poor and aged widow woman of her cow, an interesting "maiden of eighteen," of her innocent breath,[1] merely for "worshipping God after their own fashion"? Hang a man, drown a woman, terrify a child, torture a saint, all for nonconformity? But who were these mythical martyrs, and what was the *nonconformity?* In the face of all popular and political history on the subject (derived from that mendacious oracle of the covenanting Kirk, Wodrow), we venture to affirm that the Governments of the Restoration neither did, nor had the desire wantonly to attack, or tyrannize over the peasantry of

[1] It is amusing to observe how Lord Macaulay lends himself to the trick of enhancing the value of the apocryphal martyrologies of the Covenant, by mythical attributes assigned to the "suffering remnant." "Margaret Maclachlan and Margaret Wilson, the former an aged widow, the latter a *maiden of eighteen*, suffered death for their religion," &c.—*Hist.* vol. ii. p. 77. They did *not* suffer death "for their religion," as we shall show in the proper place. Neither, according to the "Cloud of Witnesses," was Margaret Wilson "a maiden of eighteen." She is there designed, "Margaret Wilson, a *young woman of scarce twenty-three years of age*." More of this afterwards.

Digitized by Google

Scotland.[1] They only struggled under great difficulties to save the rural population, and all that was good, and peaceable, in the land, from the revolutionary firebrands who were agitating the well disposed, constantly and violently, against the restored Monarchy, and misleading them to their ruin. Whatever nonconformity may mean now, unquestionably, in the reign of Charles the Second it meant a determination, on the part of the most dangerous characters, and disorganized section of the community, to withdraw from the parish churches, not in obedience to the quiet impulse of individual consciences, but in a body, and as a *public demonstration* of their most hostile intentions; indeed, for the avowed purpose of destroying the Church as established by law, and establish-

[1] One notable trick of Wodrow, in his history, is this: Whenever, in searching the records of the Privy Council (for a very different purpose than to do justice to that tribunal), he happens to stumble upon evidences of forbearance and inclination to be lenient, in such instances as he deems it best not to ignore, he exerts his most disingenuous ingenuity to bring them under the category of oppression and persecution, by the grossest perversion. For example, the following order appears in the Register of the Privy Council, of date 23d January, 1679; it is all that the Register says on the subject, and is Wodrow's sole authority:—

"The Lords of his Majesty's Privy Council do hereby give order and warrant to the Bailies of Leith to set at liberty furth of the Tolbooth of Leith, James Lawson, a boy *about the age of fourteen years*, prisoner there upon the account of conventicles."

That a boy of that age, at such "rendezvouses of rebellion," might so demean himself as to render it very necessary to put him into the tolbooth, may be readily conceived; and the terms of his subsequent release can bear no other construction than that he was leniently dealt with on account of his youth. Wodrow, however, perverts this to his own calumnious purpose, reducing, too, the boy's age in the face of the record itself. "In *persecutions*," he says, "for conventicles, no age almost was thought *too young* to be *attacked*. Some time ago [in the year 1679], a boy *not much above thirteen years of age*,"—fact No. 1, introduced by Wodrow,—"had been seized at a conventicle, and was carried to prison. After he had *continued some weeks there*,"—fact No. 2, introduced by Wodrow,—"and *would make no compliances*,"—fact No. 3, introduced by Wodrow,—"*some of the counsellors were informed about him*,"—fact No. 4, introduced by Wodrow,—"and *being ashamed of such severity*,"—fact No. 5, introduced by Wodrow,—"to one who was, as it were, but a child, I find the following order given: January 23d, 'The Lords of his Majesty's Privy Council give warrant to the Bailies of Leith to set at liberty James Lawson, a boy about the age of fourteen years, prisoner there upon account of conventicles.' We shall afterwards meet with some more of these *young sufferers*."—*Hist.* vol. iii. p. 4.

This mode of expanding and perverting the records is characteristic of the whole of Wodrow's compilation.

Digitized by Google

ing another form of the Church upon the basis of a far more intolerant and tyrannical law of their own. It meant, the terrifying all others from frequenting the parish church, and that in marked and boastful opposition to the restored law, order, and Government. It meant the loudly proclaimed object of *dethroning* the reigning family because it rejected the impracticable League and Covenant (the vilest system of tyranny that ever degraded a civilized nation), as the model of government, and charter of the whole realm. It meant, with these results confessedly in prospect, to persecute the parish clergymen to an extent that ranged from petty "affronts" and violent assaults, to the most cowardly murders; to frequent and uphold *armed* conventicles, whereat the darling scheme was never lost sight of, or disguised, namely, to overthrow the Government of the Restoration, and to pull down the Throne of the Stewarts. From their own blattant records and chronicles we have it, as already shown, that Alexander Peden, the "Auld Sandie" of the inspired pedlar, proclaimed his own vocation, and the end and object of his holy calling, in these pious and pleasant terms, addressed to one of his most promising disciples,—"John, *have at* the unhappy race of the name of Stewart: *Off the throne of Britain they shall go*, if all the world set side and shoulder to hold them on." Is this the language of rural simplicity and saintship? Saint Sandie, indeed (and he is the proper type of the sect against whom alone the restored Monarchy wielded its power and its terrors), took mighty good care to die in his bed. Poor John, however, listened to and obeyed the voice of his master, and was hanged for high treason accordingly, within a few months after he had been thus slapped on the back into martyrdom, by this "rousing, wakening Cock of the Conscience;" the same, be it observed, who was also the father confessor of that dogged and dangerous outlaw, the Bothwell-Bridge rebel, and hill and cavern *instructor* of young armed rebels, whom Wodrow christened the "Christian Carrier."[1]

[1] Richard Cameron, who escaped the fate he merited by being killed in a skirmish with the rebels at Airs Moss, was a disciple of John Welsh's, by whom he was sent on his vocation of fanatical anarchy with the same sort of general and

Digitized by Google

The popular idea of Conventicles has no foundation in truth. A Scotch conventicle was not a Christian institution. It was the dregs, and last dying struggles, of that unchristian Covenant which had been worked by Argyle, for his own ambitious purposes, to the ruin of his country; which in such hands had disorganized and dishonoured Scotland, and deluged it with blood. The object of these conventicles was, not to enjoy in peace, and without interruption, the Presbyterian form of worship, but to compel, if possible, the whole Empire to bow to the Solemn League and Covenant as *Magna charta*. It was no simple demonstration of a national predilection for *Presbyterianism*.[1] It was a rebellious agitation in arms, sustained by the most rabid of the covenanting priesthood, to restore the clerical regime of the Argyle era. It was not an innocent and conscientious *nonconformity*. It was a tyrannical demand, backed by all the physical force which that

gentle instruction to be sure to gain the Grassmarket crown of martyrdom; a glory which old John himself carefully avoided. The life of Richard Cameron, among the fanatical rubbish called the Scots Worthies, gives this account of his start: "After he was licensed, they sent him at first to preach in Annandale. He said, how could he go there? he knew not what sort of people they were. But Mr Welsh said,—'Go your way, Richie, and *set the fire of Hell to their tails.*'"—*Scots Worthies*, p. 359. This, and the most savage demonstrations of a treasonable design, constituted the most approved displays of conventicle "divine worship."

[1] Sir Walter Scott was so desirous to compromise matters with the popular notion in Scotland (implanted by Wodrow) that the Covenanters were *persecuted*, and yet was so conscious that what has been called persecution was (in the instances that are not either absolute falsehoods, or gross exaggerations), directed against the most dangerous of insurrections, and the vilest of crimes, that he could scarcely construct a sentence on the subject that was not defaced by inconsistency, whether he was depicting a character, or describing a crisis. So we find him saying, in reference to the Conventiclers *with whom alone Claverhouse was sent to deal*,—"Upon these bigotted and *persecuted* fanatics, and by no means upon the Presbyterians at large, are to be charged the *wild anarchical principles* of *anti-monarchy*, and *assassination*, which *polluted* the period when they flourished."—*Notes to the ballad of the Battle of Pentland! Minstrelsy*, vol. ii. p. 53.

Most indubitably, "the Presbyterians at large" are not to be identified with the agitating, and armed conventiclers. Who ever said so! Claverhouse undertook no crusade against Presbyterianism. Neither are all who were misled to frequent conventicles, to be identified with those who created, promoted, and upheld the system. But since Sir Walter admits that the *fanatics* were "wild anarchists," and "assassins," who "polluted the period when they flourished," why does he call the legal measures, that were only intended to prevent such characters from *flourishing*, "persecution!"

Digitized by Google

shattered insanity could command, that there should be, *nolens volens*, throughout Scotland and England, from the peasant's hut to the King's Palace, *conformity to the Covenant*, and to all its ways.

If the Covenant is to be identified with Christianity, then, indeed, are conventicles hallowed. But the Covenant is no more Christianity than Scotland is the Holy Land. Sir Walter Scott, in his charmingly written History of Scotland, (originally addressed to a child), has presented us with the *beau ideal* of a field conventicle in Scotland, which belongs entirely to the regions of fancy and fiction. It is essential to the character of Claverhouse that this should be shown. Nearly his whole campaigns consisted in suppressing, and preventing the organization, and union in arms, of these same conventicles. Yes, all his high aspirations, and energetic talents, and chivalresque accomplishments, were scattered on that miserable storm, and from that sourest of soil was he fated to gather what laurels he could; worthless barren laurels, that only once bloomed,—in blood at Killiecrankie. But in order to exhibit Dundee in his proper light, to assert for him his proper place in the annals of Scotland, it is indeed most necessary, as Sir Walter Scott himself once emphatically declared, that the Covenanters and their conventicles should be displayed in their true colours. And all the alluring charm of Sir Walter's historical and poetical compositions, and compromises, on the subject, only renders it the more necessary, that whoever undertakes the defence of Dundee, must not shrink from showing, that even the illustrious author of "Tales of a Grandfather," has left his character worse than unredeemed, by expressing, at various times, and in various works, two distinct opinions regarding it, and two distinct estimates of the *covenanting* character, each, in either case, being diametrically opposed to the other. Alas! that we should have to write it, and even to press the fact *ad nauseam* upon our readers. For, after all, it is not the fanatical virulence of a M'Crie, nor the historical hectoring of a Macaulay, that is most apt to tell, in sober minds, against the character of Dundee. It is Sir Walter Scott's Sphynx-like effigies of the hero that has tended most to deprive him, in the estimation

Digitized by Google

of his reflecting countrymen,—even those predisposed to admire the able and energetic cavalier,—of that motto he may so justly claim, *sans peur et sans reproche.* And so, let it never be forgotten, that Sir Walter himself declared to his antiquarian friend Mr Train, and with all the emphasis of conviction,—"That no character had been *so foully traduced* as the Viscount Dundee; that, thanks to Wodrow, Crookshanks,[1] and such chroniclers, he, who was *every inch a soldier and a gentleman*, still passed among the Scottish vulgar for a ruffian desperado"; and, moreover, that he, Sir Walter, assigned as his reason for almost despairing of the success, in Scotland, of a popular romance founded on such a hero, that,—"Your *western zealots* would require to be *faithfully portrayed* in order to bring out him (Dundee) with the *right effect.*"[2] And yet, nevertheless, with that distressing antagonism (which indeed was one of the taxes upon his great genius), between the clear mind and paying pen of Scotland's most gifted chronicler, which we have already ventured to illustrate, does he thus, when writing history for a child, depict a Scotch field conventicle (a thing revolting to his nature), in this gem of a picture that whigs might kiss, and fanatics adore:—

"When the custom of holding field conventicles was adopted, it had the effect of raising the minds of those who frequented them to a higher and more exalted pitch of enthu-

[1] Crookshanks is not worth referring to, or controverting. He is merely a vulgar and senseless *repeater* of Wodrow's History, which he introduced to the notice of English readers, in two volumes octavo, some years after Wodrow's publication of his monster volumes.

[2] Lockhart's Life of Scott, vol. iv. p. 38. Malcolm Laing has this magniloquent nonsense on the subject: "With a new name, it is not unfrequent to acquire a new, and more *honourable character in society;* and the *cruelties* of Graham of Claverhouse are *forgotten* in the last splendid exploits of the Viscount Dundee": "Ambitious to equal the renown, as well as the *cruelty* of Montrose," and so on.—*Hist.* vol. ii. p. 202. This may be fine writing, but it is neither history nor sense. The "cruelties of Graham of Claverhouse" have never been *forgotten*, although they *never existed;* and as for ambition "to equal the cruelty of *Montrose*," the idea is sheer nonsense; for Montrose was, beyond all compare, the most humane warrior, and the most humanised gentleman of his day. In the course of all his overwhelming victories, *he never put a single prisoner to death*, and he never committed an act of cruelty in his life.

Digitized by Google

siasm.[1] The aged, and more timid, could hardly engage on distant expeditions, into the wild mountainous districts, and the barren moors; and the greater part of those who attended divine worship on these occasions were robust of body and bold of spirit; or, *at least*,[2] men whose deficiency of strength and courage were more than supplied by religious zeal. The view of the rocks and hills around them, while a sight so unusual gave solemnity to their acts of devotion,[3] encouraged them in the natural thought of defending themselves against *oppression*, amidst the fortresses of nature's own construction, to which they had repaired to *worship the God of Nature*,[4] according to the mode their education dictated, and their conscience acknowledged. The recollection that in these fastnesses their fathers had often found a safe retreat from foreign invaders, must have encouraged their natural confidence, and it was confirmed by the *success* with which a stand was sometimes made against small bodies of troops, who were occasionally repulsed by the *sturdy whigs* whom they attempted to disperse. In *most cases of this kind*, they behaved with *moderation*,[5] inflicting no further penalty upon such prisoners as *might fall* into their hands, than detaining them to enjoy the

[1] "Higher and more exalted,"—in what sense? What was the *more exalted* pitch? Was it the scene on Magus Moor? Or the cowardly midnight murder of the minister of Carsphairn on his own threshold, and the two gentlemen of the Guards in their beds, at New Abbey?—See before, vol. I. p. 81.

[2] The "at least," here, is rather a loose qualification. Sir Walter (who is really speaking without well knowing what kind of men were here) seems to say, that the "greater part" of the men of these conventicles were *strong* men, and *brave* men; or "at least" *weak* men and *cowards* made strong and bold by religious zeal. Many cowards, doubtless, there were among the truculent fanatics; but the zeal of such (as in the instance of the murderous Hamilton, a leader at Drumclog), instead of making them brave, was wont to evaporate in the hour of real danger. *Covenanting* zeal, was never, *per se* a *brave* quality. To take the most illustrious instances, Argyle lived a coward, and Warriston died one. A fanatic by nature courageous, would, of course, be so under all circumstances; and *vice versa* as to those "deficient in courage."

[3] The sight was neither "unusual," nor were their acts solemn and devotional.

[4] Say rather, to abuse the King and Constitution. "Mighty fine words, neighbour Happer."

[5] Sir Walter could not have stood a cross-examination as to his "most cases of this kind," either as regards the *successes* or the *moderation*. But of this afterwards.

Digitized by Google

benefit of a long sermon. Fanaticism added marvels to encourage this new-born spirit of resistance. They conceived themselves to be under the immediate protection of the Power whom they worshipped, and in their heated state of mind[1] expected even miraculous interposition. At a conventicle held on one of the Lomond hills in Fife, it was reported and believed that an angelic form appeared in the air, hovering above the assembled congregation, with his foot advanced, as if in the act of keeping watch for their safety. *On the whole*,[2] the idea of *repelling force by force*, and defending themselves against the attacks of the soldiers, and others who *assaulted* them when engaged in *divine worship*, began to be more general among the *harassed nonconformists*. For this purpose many of the congregation assembled *in arms;* and I received the following description of such a scene from *a lady*, whose *mother* had repeatedly been present on such occasions.[3] The meeting was held on the Eildon hills, in the bosom betwixt two of the three conical tops which form the crest of the mountain. Trusty sentinels were placed on advanced posts all round, so as to command a view of the country below, and give the earliest notice of the approach of any unfriendly party. The clergyman occupied an elevated temporary pulpit, with his back to the wind.[4] There were few or no males of any quality or distinction; for such persons could not *escape*

[1] But whenever their minds were in the "heated state," the only "Power whom they worshipped" (unless it was the power of darkness), was that of the Covenant against the King. A thoroughbred conventicler would scarcely have understood such a phrase as the "God of Nature." Their idea of divinity and worship was "Jesus and no quarter."

[2] What is the point of the expression "on the whole," here? Does Sir Walter mean, on the whole of the marvels he has here recorded? The gravity with which he narrates such perilous stuff, makes one suspect a *latent quiz*. The idea of a flying angel's foot *advanced in the air*, being symbolical of the "act of watching," seems to beat even the nonsense of the biographical pedlar.

[3] Considering how greatly indebted to the female sex the covenanting Kirk has been from first to last, that to which Lord Aberdeen once condescended, in the House of Lords, to apply the trite rhetorical phrase, of "the Church of our Fathers," ought rather to be called the Church of our Mothers.

[4] Thus the poor ladies had to face both blasts; and most coarsely abused at times they were. Fans were as necessary at these blasts as at the theatres of the Restoration.—See before, vol. I. p. 225–6.

Digitized by Google

detection, and were liable to ruin from the consequences.[1] But many women of good condition,[2] and holding the rank of ladies, ventured to attend the forbidden meeting, and were allowed to sit in front of the assembly. Their side-saddles were placed on the ground, to serve for seats, and their horses were *tethered*, or picqueted as it is called, in the rear of the congregation. Before the females, and in the interval which divided them from the tent, or temporary pulpit, the arms of the men present, *pikes*, *swords*, and *muskets*, were regularly

[1] A miserable excuse. Could they, too, not have come armed to "repel force by force"!

[2] "Ill conditioned jades," as doubtless Sir Walter had often heard them called by his friend Charles K. Sharpe, when he would heartily endorse the sentiment. It was always a matter of regret and annoyance to Government to be constrained to prosecute the female zealots. Kirkton affords a sample of the manners and temper of many of them, in the following scene, which was suited to his own habits and taste in feminine qualities. In a parish in Clydesdale, "the church being vacant, and a curate to enter, the people rose in a tumult, and with stones and battons chased the curate and his company out of the field. *A lady* in that paroch was blamed as a ringleader in this tumult, and brought before the Council. She came to the bar, and after her libel was read, the Chancellor asked if these accusations were true or not? She answered briefly, '*The devil one word was true in them.*' The Councillors looked one upon another; and the Chancellor replied, 'Well, madam, I adjourn you for fifteen days;' which never yet had an end; and *there her persecution ended*; such virtue was in a *short curse*, fully to satisfy such governors." —*Kirkton's Hist.* p. 354.

Every indication afforded by the records, that the high tribunals in Scotland, whose unpleasant duty it was to suppress the conventicle system, were actuated by state necessity, and not by reckless and savage dispositions, dealing indiscriminately with guilt and innocence, age and sex, was either ignored by the Kirk chroniclers, or grossly perverted, to suit their own calumnious temper. Wodrow records a story of a wife who would not frequent the conventicles, and of course he ascribes to her every vice. Her husband was a conventicler, and therefore, of course, "a very honest man." The man was summoned to the court sitting at Glasgow in 1685, but did not compear. The *uncovenanted* wife, however, appeared, and, says Wodrow, "when he is called, without *any concert*, she answers, 'My Lords, all is true! he is a rebel; there is not a conventicle in all the country but he is at it: he deserves to be hanged; *hang him, my Lords!*' The Lords asked who she was? And it was told it was *his wife*. She continued in her outrage with *the greatest fervency*. The Lords ordered him to be *scored out of the roll*, and said, 'That poor man *suffers enough already from such a wife.*'"—*Analecta*, ii. 114. Now, mark Wodrow's comment. "So *wonderfully* does Providence overrule even the *wickedness* of the *wicked*, for the good of *his own people!* The man was thus delivered, *far from this woman's desire*"! This stupid fanatic, as dull as he is disingenuous, could neither discover the touch of humour in the judicial deliverance, nor the indication it affords of a court acting upon principles of humane discrimination.

Digitized by Google

piled, in *such order as is used by soldiers*, so that each man might in an instant assume his weapons. When scenes of such a kind were *repeatedly to be seen*, in different parts of the country, and while the Government relaxed none of that rigour which had *thrown*[1] the nation into such a state, it was clear that *civil war* could not be *far distant*."[2]

Now, we cannot forbear, although the illustration is a little out of the chronological order of these Memorials, from at once meeting this romantic, most fanciful, and very inconsistent composition of the great bard of Scotland, with the contemporary evidence afforded by a letter to Queensberry (not hitherto printed), from that redoubtable character President Dalrymple. It is written in the year 1682, and refers to Claverhouse's second campaign against the conventicles, by which time, if ever, had occurred that "oppression" which Sir Walter, in the above quoted pages, vaguely assumes, and offers as the excuse for *armed* resistance to the Executive. Moreover, it is written by the man who, if any, must have been one of those "males of quality and distinction," who, Sir Walter tells us, did not attend these armed congregations only for fear of "detection and ruin." Surely, if even in the year 1682, the year of Lauderdale's death, such a Presbyterian as President Dalrymple, King William's Viscount of Stair, distinctly repudiates the idea of the conventicle system in Scotland having any title to be regarded as the *national will*, or as a *national movement*, or as the spontaneous and innocent "divine service" of the rural population in Scotland, and takes no exception against the government measures to suppress them, and even *compliments* Claverhouse in this the *fourth* year of his service against the conventicles, all Sir Walter Scott's poetical history in favour of the "harassed," and "assaulted," and "oppressed" conventiclers, must go for its true value,—the romance, namely, of history doctored to suit the peculiar palate of a certain class of readers in Scotland (or of "the Scottish vulgar"), as the wine merchants doctor our claret.

[1] How is this assertion proved? It is begging the question.

[2] Scott's Tales of a Grandfather, chap. L.

Digitized by Google

"*For my noble Lord, the Marquis of Queensberry, Lord High Treasurer of Scotland,—These.*"

"CARSECREOCH,[1] July 1st 1682.

"MY LORD:—I have ordered one of my books,[2] lately printed, to be presented to your Lordship, as a token of my most sincere affection. I had long resolved to retire before age should bring decay.[3] I did see the example of my predecessor Sir John Gilmour, and many others, whose spirits, though very pregnant, yet being long bended behoved to weaken, whereof themselves were not so sensible as others, and therefore I left this book behind me for the service of my Prince and country; though I knew it might breed emulation and envy in others; for it is hard in such a little country as this for a man to write in his own life, especially going off the stage, without detraction, albeit a while after his time it would meet with favour from all.

"*Parties*[4] have been much in this place of the country. If they had come two or three years sooner, neither they nor we would have needed the trouble. For this little shire,[5] till then, was all *orderly and quiet* as any other in Scotland. And, indeed, the people here have *not a principle of separation.* But parties coming to Dumfries on the one hand, and to Ayr on the other,[6] *forced the hill preachers into the angle*, and people did *gaze upon them as a novelty they had not seen.*[7]

[1] The castle of Carsecreoch, now a ruin, was a seat of the Stair family, in the parish of Old Luce, in Galloway.

[2] President Dalrymple's great work, Institutes of the Law of Scotland, was first published in 1681.

[3] The President, in thus proposing to retire, "before age should bring decay," backed with that rather ungenerous hit at President Gilmour, was making a virtue of necessity. In fact he got a very significant hint, immediately after the date of this letter, to quit the country, and for very good reasons. He made no difficulty, however, in returning to the chair of the Session, and to a *peerage*, under the auspices of King William, in 1689, being then seventy years of age. He had forgotten all about President Gilmour by that time.

[4] By "parties," is here meant the military under the command of Claverhouse, employed in suppressing the conventicles.

[5] Galloway.

[6] This refers to Claverhouse's first campaign against the Conventicles, in 1679.

[7] Very much the same character of these conventicles, may be gathered even from Kirkton's more apologetic account. Speaking of the nonconforming and outlawed agitators of the people, this fanatical chronicler of the Kirk says: "All these ministers were not *alike busy* in the conventicles; some were more, some less; but those who were young and strong used ordinarily to be most active; and truly there

Digitized by Google

But, generally, they do *frankly engage against conventicles*, and to *keep the church*, as I believe Claverhouse will signify. I have been *much obliged to him for his civility;* and my son hath not much owned the interest of the regality of Glenluce, whereof he is heritable bailie, infeft express, with the whole casualties, fines, and emoluments of the court, by a long tract of rights.[1] There has been decreets taken against the *disorders* several times; but his absence, and mine, made less effect than otherwise would be; yet not so short of the neighbouring shires; and so soon as he came home, he offered either to fine, or to give a deputation to Claverhouse's brother to do it; but was desired to forbear, till it was known what the Council would order as to regalities. And whatsoever may be done as to a cumulative commission to exercise the office, yet *the casualties*, being a proper private right, seem not to be derogate. Though in some cases the Justice-General did so cognosce with conjunction of the bailie of regality, yet he never claimed the casualties; and if it be found otherways, your Lordship may consider what regalities may import, while these Commissioners give . . . . . severally, without the judge ordinary, and without consideration of the neglect. For our part, it was fit we should not retard any thing made for the King's service; and I doubt not that Claverhouse will bear witness that we did not hinder, but rather concur,[2] though we are not ignorant of the point of right, nor would be a preparative to prejudge others, there being so many and so eminent persons interested in regalities."[3]

The rest of this curious and instructive letter (which remains to be quoted in its order of date) is occupied with the President's defence of himself against those imputations, cer-

were not many *house* conventicles kept except in Edinburgh or the great cities; for ordinarily the ministers in the country went to the fields, and the people had a *sort of affectation* to the fields, above houses. Also, when the people in the country desired a minister, they used to come to Edinburgh, or the cities where the ministers' families lurked, and thence to borrow a minister for that purpose. With those ministers many others joined in that practice, both expectants and actual ministers. Their *outlawry* chased them to the fields; the necessities, desires, and *curiosity* of the people increased the number of their meetings even to *thousands;* and their *danger from the soldiers* obliged them to *bring arms with them;* so these conventicles, by the Bishops' activity, were brought to *resemble armies*, the thing in the world the Bishops hated most."—*Kirkton's Hist.* p. 352. All this, from a wild fanatic, is very instructive as to the real state of the case.

[1] The infamous Sir John Dalrymple, of Glencoe celebrity.

[2] Claverhouse had to bear witness to a very different effect, as will be afterwards seen.

[3] *Original*,—Queensberry Papers.

Digitized by Google

tainly not unfounded,—that he and his family were covertly pandering to the turbulence of the preachers against the Government and the Throne,—which were at this time bringing him into trouble, and soon thereafter drove him into exile. Meanwhile, we have called him to witness, that, even in the severest crisis against them, the conventiclers were not defended or upheld by the Presbyterian President; that he had nothing to allege against the measures adopted to suppress them; and nothing to complain of, in the manner in which Claverhouse performed his public duty, either under his military or his judicial commission. The President's alarm, and grievance, relates solely to his private and patrimonial rights; his only dread and care is, lest the commission granted to Claverhouse might deprive the family of Stairs of some of the valuable profits of their heritable jurisdiction of regality in Glenluce.[1]

And surely the bard of "Bonnie Dundee" drew that picture of a Scotch field-conventicle with a laugh in his sleeve, and a humorous twinkle in his eye. Were not these armed gatherings created, and commanded (as even President Dalrymple indicates), by those itinerant revolutionary fanatics whom, when not writing history, this greatest and kindliest genius in Scotland had himself stigmatized in terms we cannot afford to shrink from repeating, unpleasant though they be to dwell on: "The beastly Covenanters, *against whom he* (Claverhouse) *acted*, hardly had any claim to be called men, unless what was

[1] President Dalrymple's contemptuous characteristic of the conventicle gatherings quite coincides with what we find in "Scotch Presbyterian Eloquence Discovered"; where the word "Presbyterian," however, must be understood in the sense in which it was *then* used, of *covenanting zealot*. "Strangers may justly wonder that men of such temper and qualification, as we have now heard the Presterian preachers to be, should have any followers. But this will not seem so strange to such as consider what multitude of the rabble crowd after *Jack Bowles* in his drunken fits, that women and children are ordinarily led by noise and show, though it were but of hobby-horses and rattles. And, indeed, the Presbyterian preachers are only flocked after by such a herd; some out of a blind zeal and itch after novelty and change; some, again, loving to fish in the troubled waters of such confusions as are inseparable from Presbytery, hoping thereby to mend their broken fortunes, and to palliate their want of sense, and *greater faults*, by a *pretence to strict religion*; others frequent them for sport and diversion, as men of little sense, and less business, run after stage-players and rope-dancers." 1692.

Digitized by Google

founded on their walking upon their hind feet: You can hardly conceive the perfidy, cruelty, and stupidity, of these people, according to the accounts they have themselves preserved."[1] Such saints as Welsh, Peden, Cameron, Cargill, Shields, King, Kid, and Renwick, who drove so many to the gallows, were not in the habit of permitting their audience to subside into sentimental or romantic solemnity by "the view of the rocks and hills around them." It was theirs to cause the murderer and the assassin to gnash their teeth, and clutch their "shabels,"[2] and the old crones of the Covenant to tear their head-gear, their "mutches and bigonets," against Church, King, Constitution, and the hangman. Or if something there was to amuse the gentler fancy, and attract the wandering eye, of the younger plants of grace,[3] it was not the picturesque in nature, or the familiar features of the surrounding scenery. Besides the usual attractions for the sex in all mixed meetings of the kind, we learn from the criminal libel against Lady Fleming of Ferm, and the spouse of the ex-Provost of Glasgow, that these two female agitators against the State, were in the habit of attending field conventicles, seated upon "high chairs," on either side of that outlawed rebel, Mas John Welsh, with whom they kept company continually. Criffel might have sunk in Solway without diverting the attention of the "suffering remnant," from that old routing outlaw, and those towering thrones of female turbulence, folly, and vanity.[4] But a graver objection than that of fanciful scene

[1] Lockhart's Life of Scott. See before, vol. i. p. 167.

[2] *Shabel*, a short sword or falcion, with which the murderers on Magus Moor (according to an account written by one of themselves) hacked and hewed their venerable victim to death.

[3] "But some young plants of grace, they look'd couthie and slee,
Thinking—Luck to your bonnet, thou bonnie Dundee."

This touch of Sir Walter's (in the finest thing he ever wrote about Dundee) was founded on his shrewd surmise, that not a few young females attended the field conventicles in order to "worship God after their own fashion." Their great apostle, Cameron, told them so in pretty plain terms, when preaching at Kirkmahoe: "Those who come out *to see a man only*, or *to be seen of men*, will probably go away as filthy as they came."

[4] The libel against these ladies, after premising the criminal and statute law on the subject, goes on to say: "Yet true it is, that upon the ninth day of February instant (1679), Mr John Welsh having kept a numerous field conventicle at Lang-

Digitized by Google

painting may be taken against Sir Walter's poetical perversion of a fact so sadly prominent in the history of Scotland's troubles. He speaks of these "sturdy whigs," upon "various occasions," defeating the Kings troops, and treating their prisoners with "moderation"! Alas! when and where was this? The mercies of the Covenant are as rare as its victories. Who were these interesting and patriotic worthies, at once merry and merciful, these armed wags of the conventicles, who, after defeating the King's forces, were contented, facetiously, to punish their prisoners with a covenanting sermon? And who were the "sturdy whigs" at Drumclog, their *solitary victory?*[1] Were they not those execrable villains, whose hands, red with the blood of an aged Prelate, and even stained with that of his heroic daughter, desperately seized the horns of a conventicle altar among the hills, and fighting with ropes round their necks, for once defeated him who was indeed "every inch a soldier and a gentleman"? That all in Scotland who preferred, or were made to believe they preferred, the Presbyterian forms to the forms of Episcopacy, are to be placed under this savage category, who would affirm?

side near to Glasgow (Margaret) Stewart, spouse to Sir William Fleming of Ferm, Commissary of Glasgow, and —— M'Dougall, spouse of William Anderson, late Provost of Glasgow, were present at the said field conventicle, and were *placed on high chairs on either side of the said Mr John Welsh*," &c. According to the libel, Lady Fleming was a most inveterate conventicler, and the Commissary's own house, also, was made the scene of many such treasonable meetings, and the worst firebrands of the conventicle system were there harboured, resetted, and petted. My Lady pleads guilty to the whole libel, and her husband (answerable by law for his wife) is fined in the sum of four thousand merks Scots, with relief against the lady's jointure, and ordained to pay the same immediately, or find caution for doing so in ten days.—*Regist. Secreti Concilii: Decreta.*

[1] We must here take the liberty (much as we regret the necessity) to quote Sir Walter Scott against himself. In the 19th chapter of "Old Mortality," he narrates the affair of Drumclog, and adds this *historical note:* "This affair, *the only one in which Claverhouse was defeated*, or the *insurgent Cameronians successful*, was fought pretty much in the manner mentioned in the text." Sir Walter, in the same note, proceeds to illustrate the atrocious cruelty of the savage leader of the covenanting rebels, and having authenticated the charge of *covenanting* cruelty with elaborate research, he adds,—"Sir Robert Hamilton himself felt neither remorse nor shame for having *put to death* one of the prisoners, *after the battle, with his own hand*, which appears to have been a charge against him by some whose fanaticism was less *exalted* than his own."

Digitized by Google

That the gathering rabble whom ferocious preachers, and truculent ruffians, such as Shields and Renwick, Rathillet and Hamilton, seduced or bullied to support them, were all in like manner merciless and bloodthirsty, is not for a moment to be maintained. But the lump was leavened. Argyle and Warriston had done their best, through years of tyrannical chaos, and judicial murders, to die their Covenant in blood, and display it as the genuine colours of Presbyterian Scotland. And against that spirit it was,—so certain to predominate over all if not vigorously met,—that the restored Monarchy had to contend with all its powers, and not against the presbyterian people, or the presbyterian predilections of Scotland.

But how, where, and when was "moderation" displayed by that covenanting *Rump* against which alone, in those lamentable civil broils, the Government warred to the knife? The battle word of the covenanting army at Tippermuir, in 1645 (published at the time) was "Jesus and no quarter." That was the true and undisguised type, not of Presbyterianism, but of the government of Argyle and his prime minister Warriston. Upon the *conventicle* banner at Drumclog in 1679, again displayed at Bothwell,—essentially the same as that which Montrose hurled to the dust at Tippermuir,—was emblazoned, in characters of blood, and under the name of God, "No quarter for the active enemies of the Covenant." Nor is any historical fact better proved than this, that deliberate preparations had been made to fulfil that covenanting "moderation" to the letter.[1] Doubtless, many a poor deluded follower of that banner shrunk as he read the order, and had no mind to obey it. No good man, presbyterian or episcopalian, no well disposed person in Scotland, but must have regarded it with loathing. Nevertheless, such was the spirit, and the principles, which the clerical reign of Argyle had rendered paramount in the covenanting and conventicle *system;* and

[1] See before, vol. i. p. 287–8. To the proofs there given we may add the following *item*, in the catalogue of the Duke of Hamilton's family papers, printed for the Maitland Club, in 1847: "No. 116. Extract relations of the defeat of the covenanted army at Bothwell; with *an account of the gibbets* they had *provided*, one of an extraordinary construction, for *hanging Monmouth and his wicked army*, which their preachers assured them the Lord would deliver into their hands."

Digitized by Google

which the conventicle preachers, after the Covenant had been burnt by the hangman, to the general delight, were still struggling to uphold with a ferocity of popular agitation that shook the Throne, and played into the hands of every enemy of the public peace, and social order.

Undoubtedly Charles the Second regained possession of his shattered throne under circumstances which afforded an argument capable of being rendered very plausible by the unscrupulous zealots, whose design was to dethrone him. Upon a former occasion, under the dictation of Argyle and his clerical staff, whom their slaughter of Montrose had left in possession of a short tenure of their long coveted sovereign power, Charles, too meanly set upon regaining his kingdoms, not only embraced the Covenant as a sacred charter, but accepted of it as a constitutional one. At that time he renewed, in his royal person, the so called *national oath*, both upon the Covenant and the Solemn League, charters which were spurned by Cromwell whenever they had served his turn. But worse than all, he had submitted to that last of indignities, the being crowned at Scone by the hand of the King of the Covenant, whose very touch was dishonour. All this was in fact a mode of establishing the sovereignty of Scotland in the persons of Argyle and the low-minded, low-mannered, dominies of the covenanting Kirk.[1] How, for a wretched season, Charles thereby became the degraded and tormented puppet of "King Campbell" and his crew, and subsequently underwent due penance therefor in the royal oak, is trite matter of history. When restored in a somewhat less disgraceful form to the throne of all his dominions, it was inevitable that his soul should shudder at the very name of that fanatical usurper, and of Warriston, Guthrie, *et hoc genus omne*. So these decayed flowers of the Covenant were finally crushed on the scaffold of the Restoration, and their blood-stained covenants publicly consigned to the flames. The head of Montrose was removed from the pinnacle where, to the disgrace and indig-

[1] It was well said by one of the anti-covenanting pamphleteers of the Troubles—"I know no notion the Presbyterians can have of a King, but that he should be *Arch-beadle to the Kirk*, and that he ought to employ his power and authority to *execute their decrees*." This is their history in few words.

Digitized by Google

nation of Scotland, it had been bleached by the elements for ten years; and that of Argyle put in its place, with a very general feeling of satisfaction at the retributive justice of this new object of the public gaze. The far-famed, and ill-famed, Trulla of the Covenant, Jenny Geddes, publicly recanted (as a contemporary records), and burnt all her godly artillery of stools at her green stall in the High Street of Edinburgh,— "she herself countenancing the action with a high-flown *claret* and *vermilion* majesty;"[1] the same influence, doubtless, under which she had obtained the immortal distinction of being the mother of the Scotch Covenant. The more severe retributions which followed, most forbearing, certainly, as regards the judicial shedding of the blood of traitors, was the least that even a monarch so little inclined either to retribution or indemnification, as Charles the Second, could decree, in order to satisfy the most moderate sense of retributive justice, and assert his right to be a King. But this left the Argyle Rump in possession of a plea that could be made to sound well in vulgar ears, and which formed the text and staple of many a hill-side routing against the monarchy, and caused Claverhouse to ride many a weary mile to silence it. It was not merely that Charles was an "Uncovenanted King." He was a King (they said) who, so recently as 1650, had sworn to both Covenants, as being at once the Word of God, and the charters of the empire, and then, a few years after, cast them into the fire of Tophet, and denounced, persecuted, and immolated the godly and the faithful; and this, too, for no better reason than because they publicly denied his right to reign, and proclaimed to his people that "off the throne of Britain *he must go.*" Nor did it improve his royal position, that this iniquity was perpetrated under the counsels and guidance of such men as Middleton and Lauderdale, once "prime covenanters," and chief among those by whom the Solemn League and Covenant had been imposed even upon degraded England. All this furnished very good materials for hill-side eloquence against the consistency of Charles the Second. But such arguments afforded no grounds whatever

[1] See Memoirs of Montrose, 1856, vol. ii. p. 840.

Digitized by Google

for coming to the conclusion that the Sovereign, whom the voice of the nation had just recalled, should be compelled to abdicate, in order that the Scotch Covenant might reign in his stead, under the presumptuous and blasphemous phraseology,—ever loudest in the mouths of those who had least of Christian feelings in their hearts,—of the "reign of King Jesus," and the "royal prerogatives of Christ."[1]

Ere we follow our hero through his earliest campaign in support of the Throne, which occupied the first half of the year 1679, it will be necessary to glance at the state of matters before he returned from foreign service, sometime in the year 1677. Not that we profess to write a history of the Troubles during the dominion of Lauderdale. We are quarrelling with history, not composing it. We are detecting and dealing with certain historical calumnies and errors in fact, not entering systematically the arena of political and polemical history. Our main purpose is to prove that when Claverhouse, at the close of the year 1678, the zenith of Lauderdale's administration, accepted of his first command against the conventicles, he undertook an honourable, a just, and a necessary charge. In a succeeding section we shall illustrate, from his own dispatches, in what manner he fulfilled his loyal and patriotic duty. Meanwhile, we must clear both Claverhouse, and the government that employed him, from the utterly baseless imputation of his having committed himself to a cause which none but "a fierce and savage officer" would have undertaken to serve.

[1] The Covenanting Assembly, in their Act 3d August 1648, actually declared their clergy *censurable* if they did not occupy their discourses with attacks upon "malignants," *i. e. loyalists;* and in the conclusion of the Act it is ordained, that if any minister, for this *freedom of preaching*, should happen to be upbraided or railed at, or mocked at, or threatened (a result considered likely to follow from the virulent license of tongue thus ordered), the Presbytery of the bounds was immediately to pursue the offender, to bring him under the discipline of the Kirk, and if he proved refractory, to *excommunicate him*. This style of preaching the Word of God, reached its *acmé* of perfection at the field conventicles.

Digitized by Google

SECTION III.—*Of the grounds of Lord Macaulay's accusations against the Governments which Claverhouse served, and the calumnies adopted by him as to the drowning of women, and the use of judicial torture in Scotland.*

There is something even puerile in Lord Macaulay's theory of the rise of Lauderdale. In his Essay on Hallam's History, referring to the Restoration, he says:—"*The Government wanted a ruffian* to carry on the most atrocious system of misgovernment with which any nation was ever *cursed;* to *extirpate Presbyterianism* by fire and sword; by the *drowning of women;* by the *frightful torture of the boot;* and *they*[1] found him among the chiefs of the rebellion, and the subscribers of the Covenant." This accomplished author's great work may be said to present a dazzling texture of long garnered stores of such like compendious dictation, to which all must bow because he hath said it. We refuse to worship the golden image. We don't believe in it. A florid genius, highly gifted, but unpleasantly imperious, commanding, and delighting to revel in, all the criminative power of the English language; a marvellous memory for calumnious improbabilities that happen to suit his own political creed, and a convenient one for the more probable and true that run counter to it; ferocious as a covenanting dominie in objurgations against the falling Stewarts; and drunk, as a Lord, with literary and political success and adulation,—none but a historian thus greatly endowed would have ventured to indulge in such historical generalization as that quoted above, or have hoped to persuade even a child that it was true. But the paragraph we have caught must not be allowed to escape without a squeeze or two in the boot. It presents, indeed, an epitome most convenient for our present purpose. To disprove it, in every sentence, will be to disprove, and sufficiently to dispose of, the whole of Lord Macaulay's anathemas against the *savage* government of Lauderdale, and the *cruel* career of Claverhouse. We venture to think that this great historical prize-fighter

[1] Who are meant by "they"? See Lord Macaulay's Essays, p. 86, *edit.* 1854.

Digitized by Google

threw his head into chancery by that reckless rush. Or to attempt a more becoming simile, it may be likened to that convenient concentration, desiderated by the devotees of Love, or of Liberty,—the one rosy mouth, or the one stiff-neck, whereby the whole sex might be enjoyed, once for all, in the same kiss, or all tyrants, collectively, cut off by the same trenchant stroke.

"WANTED A RUFFIAN TO EXTINGUISH PRESBYTERIANISM BY FIRE AND SWORD."

Will the calumnies, as to the sanguinary *animus*, of the governments of the Restoration, be pressed so far as this, that the horrors, epitomized in the paragraphs we are bringing to the test, were all determined upon, all ripe and ready, and only wanting and waiting for, a "ruffian to carry it on," even in the spring of the year 1660, before Charles II. had left the Hague for England? In the month of March of that year Lauderdale was released from the Tower, and immediately joined the King in Holland. He at once obtained that most influential post, the Secretaryship for Scotland. The Restoration, as we have said, could not afford to ignore Lauderdale. Had he not been accepted of as the minion of the King, he would have become the minion of the Kirk. He was, indeed, sick of the low farce of Scotch fanaticism, and he threw his frayed and greasy mask of covenanting religion into the grave of Argyle with irrepressible demonstrations of glee. But had he been rejected at Court because of his antecedents, good King Maitland would have reigned in Scotland as good King Campbell had done before, with the vast addition of indomitable courage. To be sure, bad King Charles might have taken off his head. But that was not to be thought of under the circumstances. The restored King had indeed a bad lot to choose from. Scarcely a man of rank, courage, and ability at his elbow, and at his feet, but had been more or less a traitor to the throne of his father, if not a broker in his blood.[1] Lauderdale was among the worst; but at the same

[1] Wodrow in his *Analecta*, vol. ii. p. 145, says,—"Mr James Stirling tells me, that he has from undoubted hands, that, in the time of the Marquis of Argyle's trial, Sir John Gilmour rose in the House, after all the debates were pretty much

Digitized by Google

time he was the most able of them all, and the most dangerous to slight. In 1650 Argyle had been suffered, *per force*, to place the crown on the head of Charles II. In 1660 the necessity was no less urgent that caused the King to make Lauderdale Secretary; who, forthwith, from the nature of that office, combined with his abilities and audacity, may be said to have become Prime Minister for Scotland. But at this time the fate of "Presbyterianism" was absolutely *in nubibus*. And as for "the drowning of women—the frightful torture of the boot,"—such things were no more thought of, when Lauderdale obtained the helm, than was the frightful massacre of Glencoe. Lauderdale was coarse, imperious, and passionate; but not cruel. In this he is honourably distinguished from Argyle. He was rough and rampant, but neither a coward nor a ruffian. He was indeed greatly disliked by his compeers. They were envious of his elevation, and indignant at his bullying. They saw the man who most of all, except Argyle and Warriston, deserved to lose his head, become *per saltum* dictator over the loyalist party, minion of the King, and viceroy of Scotland. Middleton was sent into exile. Rothes, an able and agreeable statesman, who, for a time, had been a great pluralist, in the highest offices of State, was reduced to the Chancellorship, and with difficulty kept the place. Queensberry, bent on obtaining the supreme rule in Scotland, and with every capacity for the position, was compelled to remain in abeyance until Lauderdale was quite worn out. The more genial and cheerful trimmer, Rothes, could scarcely persuade his dear friend Queensberry even to

through, and said,—'My Lord Commissioner, I have given all the attention I was capable of, to the whole of this process, and I can find nothing proved against the Marquis *but what the most part of this Assembly are involved in as well as he*; and we may *all as well* be found guilty. When this was like to make some impression, the Commissioner, Middleton, rose up, upon the Throne, and said: 'What Sir John said is *very true*. We are all of us, or most, guilty; and the King may pitch upon any he pleases to *make examples*.'" Middleton was second in command under David Leslie, at the brutal massacre in cold blood of the remnant of loyal Irish at Philiphaugh, and at the still more atrocious murder of fourscore of their wives and children thrown over the bridge at Linlithgow. But had the restored King hanged all that deserved it at his hands, he could not have held Scotland. The selection for death of Argyle, Warriston, and Guthrie, was unquestionably the best that could have been made, and extremely merciful.

Digitized by Google

pay the proper official respect to the King's Commissioner, upon the various occasions when Lauderdale displayed himself in that royal attitude. Douglas, Duke of Hamilton, never ceased his selfish and impotent struggles to pull him down.[1] In fact, he had not a real friend in Scotland, nor can it be well said that he deserved one. But not a man of them really objected to his rule, on the score of inhumanity, cruelty, or oppression of the *people*. They were alarmed and enraged at various measures for the restoration of social order, which pressed somewhat hard upon themselves, and their territorial interests, and rendered the great and the rich even more liable than the poor, to the severe commissions of Justiciary, and the martial law, which the condition of the country required. But the *patriotic* idea never fairly and honestly mingled with their dislike to Lauderdale, or their struggles against his power. If he was a ruffian, in the sense that Lord Macaulay hurls the epithet at him, they were all ruffians; and our great historian, by that imperious condemnation, just committed himself to the rubbishy nonsense of Wodrow, and other fanatical pamphleteers, who would have us believe, that so totally different was human nature in the era of the Restoration from what it is now, that all the high nobility of Scotland, all the great officers of State, nay, every man of enlightened education, rank, and power in the country, were cruel from their love of cruelty, oppressed for the sake of oppression, and, from their very natures, gloated over the miseries of the poor, and were charmed with the screams of the tortured.

Doubtless, Lauderdale had been pre-eminent "among the chiefs of the rebellion, and the subscribers of the Covenant;" although it is false history to say that Charles II. found him in that position. He was found behind the bars of a cage, moulting his covenanting feathers, and nursing his loyal pinions. But this extraordinary nobleman had been known throughout Europe, not many years before, as one of the most violent of the upholders of the Covenant, even after the murder of Charles the First, in the sale of whose blood he had been meanly participant. In our former volume some

[1] See before, vol. i. p. 387.

Digitized by Google

very original illustrations of his proceedings in Scotland, and also of the termagant sway, and demeanour, of his no less extraordinary Duchess, have been afforded from the clever and entertaining pen of his great rival, Rothes. The fragment by Mr Charles K. Sharpe, which we have printed, also contains a graphic sketch of them both. But the determined vigour with which he set himself to put down the Conventicle system, is the least reprehensible phase of his whole career. No one knew so well the precise nature and tendency of the evil with which his administration had to deal; and how far removed from truth and Christian principle were the ways of his old friends the Covenanters. During the whole era of Argyle's reign, Lauderdale had, indeed, made himself an idol of the fanatics. Their great epistolary historian, Robert Baillie, used to swear by "good Maitland." He was pronounced, by that Samuel of the Covenant, to be "a youth that brings, by his noble carriage, credit to our Nation, and help to our Cause." And this was the Lauderdale of Charles the Second! This was he who, qualifying himself by the very best apprenticeship for such a progress, passed through every phase of religious imposition, and every degree of political iniquity, until we find him with his *loyal*, and *ducal*, heel upon the writhing tail of that very serpent, one of whose rampant heads he himself had formerly been. And yet, truth to tell, hypocrite, false-hearted, and debauchee as he was, the most severe measures of his administration, in resisting to the knife the truculent insurgency of his former "dear brethren," can find, in so far as regal government and social polity is concerned, a justification in their conduct, and in the necessity of the case. We have already noticed his grand *debut* in covenanting fanaticism, when, as "young Maitland," he made himself so unctuously conspicuous in the famous, or infamous, Assembly, that constructed Cromwell's ladder to power, the Solemn League and Covenant, in 1643.[1] It was well ordered that Lauderdale himself should expend his last energies in dealing with the dreary desolating fanaticism which that league had raised to supreme power in Scotland, and which now, dethroned as it was, stilled showed its

[1] See before, vol. i. p. 374, *note*.

Digitized by Google

wonted fire in its ashes, and still struggled to lord it over all. After the clerical faction of which Argyle was the head, had immolated Montrose in 1650, the King of the Kirk won the race of dishonour against Lauderdale, and actually took his seat, along with his prime minister Warriston, in Cromwell's monster Parliament,—Cromwell, who had drummed the General Assembly of the Kirk, so recently omnipotent, out of Edinburgh, to a tune very like the rogue's march.[1] Argyle, nevertheless, occupied his new dignity under Cromwell as if it had been the sole object of his ambition (an elevation somewhat more disgraceful to him than was the gallows to Montrose), and there vegetated until he became so dazed as not to know a turtle dove from an owl.[2] Lauderdale, meanwhile, was constrained to cool his heels and his temper in the Tower; in a strange state of transition between *Covenanter* and *Loyalist*, still corresponding in the phraseology of the former, while suffering in the quality of the latter. The following letter, written from the Tower, to his old and dear covenanting brother Baillie, has not hitherto been printed, and will amuse the reader. We may judge thereby, that had Lauderdale been rejected at the Restoration, it would have cost him little trouble to have come out again as a "prime covenanter."

[1] Baillie thus exposes his old covenanting friends Argyle and Warriston, in 1660 :—"My Lord Warriston was *called to the House of Peers* by the late Protector. When the Parliament was dissolved, his *old friend*, Sir Henry Vane, got him in the Council of State, and the most ordinary chairman thereof; all the weight of Scots affairs lies on him alone. Argyle, though he went thither a commissioner for Aberdeen, and *sat in the House of Commons*, complying with the Protector so long as he stood, and with the new Parliament *so much as any desired*, yet was *misregarded*; and, for fear of an arrestment for debt, slipped away home with *small credit*."—*Letters and Journals*, pp. 3, 430.

[2] The following amusing notice of the once omnipotent Marquis occurs in *Evelyn's Diary*, vol. i. p. 300 : "28th May, 1656, Came to me the old Marquis of Argyle (since executed), Lord Lothian, and some other Scotch noblemen, all strangers to me. *Note.*—The Marquis took the *turtle doves* for *owls*." Gillespie Gruamach was always more in the owl than the turtle-dove line. The successor to him, in his Earldom and the scaffold, was also amusing himself with good Evelyn's curiosities, a twelvemonth after his father's execution : "17th April 1662. The *young Marquis* of Argyle, whose *turbulent father* was executed in Scotland, came to see my garden. He seemed a *man of party*." (Diary, vol. i. p. 347). These notices are amusingly innocent. Evelyn seems not to have known, or attended to the fact, that Argyle's *Marquisate* was never allowed to his son. It is not in the family at this day.

Digitized by Google

"*For my Reverend and worthy friend, Mr Robert Baillie, Professor of Divinity at Glasgow.*"

"REVEREND AND WORTHY FRIEND:—The sufferings which it hath pleased God to call me to this long time past having disabled me from doing service to my friends, I have forborne to give them the unnecessary trouble of letters. Yet, seeing I am informed you do often remember me, I could not but return you my acknowledgments for the continuation of your kindnesses, and to entreat the help of *your prayers*, that the Lord would sanctify more and more this condition unto me, and afford me more and more testimonies *how good it is for me I have been afflicted.* All I shall tell you is, that I have had a greater measure of health than I could have expected in this course, so different from the life I formerly led. Although in that I find great prejudice by my long restraint, yet it pleases God to give me some measure of patience, and of *contentedness under the rod*, more than you would have looked for, who knew my former temper.[1] I will not say anything of public concerns, which I do not at all meddle with.[2] All I shall desire of you is, that you would remember me to all those you know to be my friends, and to my sometime fellow prisoners of your own coat, when you see any of them. Be pleased to continue your kindness to me, and *your prayers* for your most affectionate friend,

"LAUDERDAILL."

"TOWER, the *17th of December*, 1653."[3]

Verily, the patience and contentedness under the rod of "good Maitland," as his fawning friend, the covenanting Baillie used to call him, received its reward on earth at least. Cromwell being called to his account, the indomitable Lauderdale, caged for nine years as a *loyalist*, yet corresponding the while as a *covenanter*, emerged full blown, in the former character, at the Restoration in 1660, to run the rampant course of statesmanship by which he is now chiefly remembered.

Lord Macaulay falsely portrays the administration of

[1] See before, vol. i. p. 367, his Duchess's account of his temper.

[2] Which he could not very easily do, while thus in limbo, and the fiery blood still inflaming the warts of Old Noll.

[3] *Original*, among Wodrow's MS. Collections in the Advocates' Library.

Digitized by Google

Lauderdale, as a persecution of "Presbyterianism," characterised by cruelty and ruffianism, fire and sword, boot and gibbet, while he extols the usurpation of Cromwell as the reign of lusty liberty on earth. "Cromwell," he says, "was no more, and those who had fled before him were forced to content themselves with the miserable satisfaction of digging up, hanging, quartering, and burning the remains of the *greatest Prince that has ever ruled England.*"[1] Pity our indignant historian had not sat as a peer in that prince's Parliament. We do not insist for so high a compliment to Lauderdale, although it would be less disgusting to say of him that he was the greatest prime minister that has ever ruled Scotland. But in ruling Scotland, from the commencement of the Restoration, he had to deal with chaos, and he showed himself not unequal to the occasion. Setting aside the monstrous inconsistency of his position, and moral objections to the man, the unflinching firmness with which he faced the storm of the conventicle outrages in Scotland, and resisted the truculent supremacy of his own Covenant, is, to say the least, as worthy of commendation as the sanguinary sway of the murderous Cromwell, which Lord Macaulay glorifies, and for which he dubs him not only a prince, but the greatest that ever ruled England!

Well, Cromwell it was who turned the assembled Fathers of the Kirk out of their sacred hall, as worse than money-changers in the Temple, or a den of thieves, and drove them from their pleasant pastures into forlorn fields, like sheep that had the rot. "He led us," says Baillie (one of the drove), speaking of Cromwell's military shepherd, "he led us through the whole streets, a mile out of the town, encompassing us with foot companies of musketeers, and horsemen without, all the people gazing, and mourning,[2] as at the saddest spectacle they had ever seen. When he had led us a mile without the town, he then declared what further he had in commission; that we would *not dare to meet above three in numbers;* and that against eight o'clock to-morrow we should depart the town,

[1] Macaulay's History of England, vol. i. p. 161.

[2] That the people were "mourning," is Baillie's own assumption. The nation at large had too much reason to be as well satisfied, as they were instructed by the spectacle.

Digitized by Google

under pain of being guilty of *breaking the public peace;* and the day following, by sound of trumpet, we were commanded off the town, under the pain of *present imprisonment.* Thus our GENERAL ASSEMBLY, the *glory and strength of our Church* upon earth, is, by *your soldiery*, crushed and trodden under foot, without the least provocation from us, *at this time*, either in word or deed."[1] And all this for conscientious *nonconformity*,—for "worshipping God after their own fashion."[2] But then it was done in the plenitude of the energetic wisdom of that man who, Lord Macaulay assures us, was "the greatest Prince that has ever ruled England." And why, then, should the *restored* monarch, or his minister, have suffered his Kingdom of Scotland to be infested, and again taken from him, by scores of little, feculent, scalded, crippled General Assemblies, cropping out when and where they pleased,—the poisonous suckers of that great Upas tree which Cromwell had cut down,—avowedly in arms against the Throne, and vaunting that they were prepared to "repel force by force"?[3]

As King Charles II., in this matter of *compelling conformity*, stands justified by Prince Cromwell who preceded him, so do we find him justified by King William, who came after. Take this specimen of one of the Orange King's letters to his Privy Council in Scotland:—

"WILLIAM R.

"We greet you well," &c. "We have been informed of your proceedings in reference to the *Papists*, taken at a meeting lately held in the Duke of Gordon's lodging, as also of the orders you have given for prosecuting the said Duke for *some expressions* he has had before

[1] Baillie's Letters and Journals.

[2] A favourite phrase of Lord Macaulay's, from its convenience. Speaking of the *Remp* of the covenanting Kirk, he says: "These people, *in defiance of the law*, persisted in meeting to worship God after their own fashion."—*Hist.* vol. i. p. 193. Again: "Those fiery Covenanters, who had long, in defiance of sword and carbine, boot and gibbet, worshipped their Maker after their own fashion, in caverns and on mountain tops."—*Hist.* vol. iv. p. 305.

[3] "Attacked by the civil power, they without scruple repelled force by force. At every conventicle they mustered in arms. They repeatedly broke out into open rebellion."—*Lord Macaulay, Hist.* vol. i. p. 198. Then why should they not have been repeatedly hanged? Aye, and if *women* constantly, ferociously, and murderously, aided and abetted all this, *drowned too?*

Digitized by Google

you, in which we think he has been very much wanting in that respect which is due to our Government, and to the authority with which you are invested, as well as to truth itself, since those of that persuasion must be convinced that they have met with nothing from us but the utmost lenity: We have thought fit to signify to you we are fully satisfied with what you have acted, and with the zeal you have shown on this occasion for vindicating the honour of our government, and securing the public quiet of the nation. We have ever been averse from prosecuting any on account of their religion, *so long as in the exercise thereof they have kept within the due bounds of moderation; but when, in contempt of our lenity, they proceed to such an open and barefaced violation of the laws as leads evidently to the disturbance of the public peace, you may be assured we will never countenance nor protect them, but suffer the law and justice to have its clear course.* So we bid you farewell. Given at our Court at Loo, the 14th day of July 1699, and of our reign the eleventh year."[1]

Did Charles and James pursue and prosecute the rebel conventiclers upon any other principle than this? And were they not, to say the least, equally justified in doing so? Did a meeting of Roman Catholics at the Duke of Gordon's, in the year 1699, or "some expressions" used by that powerless nobleman,—who had surrendered the Castle of Edinburgh even while Dundee was sustaining the cause of King James so devotedly and triumphantly,—either endanger the peace of the realm, or shake the Orange throne, so as to be spoken of in the same breath with the rebellion that shook the throne of the Restoration from first to last?[2] Year after year of

[1] *Original*, preserved in the General Register House, Edinburgh.

[2] For instance, compare the following proclamation of Charles II., July 22. 1684, with King William's letter, quoted in our text. "CHARLES, by the grace of God," &c. "It is undeniable, that, for many years, great numbers of armed rebels have most insolently and rebelliously gathered themselves together, and have not only marched up and down our western shires of Clydesdale, and other shires besouth the river Forth, but have *assaulted and murdered severals belonging to our forces, burned our laws*, and *excommunicated our sacred person*; and, of late, in the month of June last, about *two hundred armed rebels* have presumed, to the great contempt of our authority, to *march openly through several of the said shires, threatening the orthodox clergy*, and *murdering our soldiers*, and have at last (when they found it convenient) disappeared, being certainly, and undeniably, *harboured and reset by the inhabitants of those shires*, without sufficient diligence done by the Sheriffs and inhabitants of the said shires, either for dissipating them, or for discovering their reset-

Digitized by Google

conventicle mustering in arms; year after year of the most blattant summoning of the people to rebellion,—exciting the passions, irritating the nerves, misleading the judgment, abusing the credulity, and rousing the deadliest feelings in the breasts of the peasantry of Scotland, by anonymous proclamations, and by a desecration of pulpit oratory which at once outraged Christian precepts, social order, and common sense. Is there, in that royal manifesto issued by King William, one single syllable that truly savours of other sentiment on the subject than this,—that he considered it the right, and the duty, of the reigning sovereign to *compel*, if necessary, the fanatical religionist,—be his religion what it might,—to *conform to the laws and orders of the established government;* and that conformity to be enforced by the heaviest hand of the Executive?

The miserable but alarming affair of Pentland, which constrained the King's government to exercise upon a very limited number of the most dangerous and incorrigible rebels, the utmost severity of the existing laws against high treason, occurred in 1666. Claverhouse had only entered College in the previous year.[1] Matters were far gone long before our hero became an actor on the scene, which was not until 1679. The Pentland insurrection, though dispersed and crushed, was not raked out, and its remains were much too lively to be regarded as mere ashes. Smouldering and grovelling, it was yet a most dangerous rebellion of disappointed peace-breakers, mis-

ters, and bringing them to justice; by which preparative, *if allowed*, all rebels may safely rise in arms, and yet be secure," &c. Therefore the proclamation calls upon Sheriffs, and heritors, &c. to discover these rebels and their resetters, and to bring them to justice, otherwise, it goes on to say, "We will, for *preserving the public peace*, and our *good subjects*, take such other effectual courses, as, in our royal prudence, we shall find most fit for *preventing rebellions*, and *securing the public peace*, in the shires above mentioned."—*Register of the Privy Council.*

[1] It seems odd that Sir Walter Scott should have committed the blunder of including the affair of Pentland in the catalogue of the crimes and cruelties of Claverhouse. The ballad thereon commences thus:—

"The gallant Grahams cum from the west
Wi' their horses black as ony craw;"

upon which Sir Walter notes,—"The gallant Grahams mentioned in the text are *Graham of Claverhouse's horse.*" But Claverhouse did not re-appear in Scotland until *eleven years* after the subject of this ballad.—*Minstrelsy*, vol. ii. p. 54.

Digitized by Google

leading a large proportion of the vulgar to their destruction, under very crazy pretensions to a divine mission. The nearly exhausted, but still burning volcano was, as usual, stirred and excited, somewhat fitfully and meanly, not by Lauderdale, but by his rivals, men of rank, property, and aristocratic dispositions, whose patriotism consisted in conducting covert cabals, and fluctuating intrigues, to promote, by any means, their own interests, and rise to power. On the other hand, the ever restless and turbulent zealots, continued to work with that most powerful lever of popular agitation, the scarcely less than blasphemous pretension of establishing both religious and civil liberty under their banner of "King Jesus and no quarter;" a liberty which meant, the most unrestrained licence of tyranny for themselves, and the most savage intolerance of all else. The charters for which these clerical demagogues had still the insanity to contend, were the Covenant of 1637, and the Solemn League of 1643. In holes and corners, among hills and caverns, the fiendlike anathemas of the defeated and outlawed conventicle divines against law, order, and true Christianity, were scorching the very heather: "Men," says Lord Macaulay, "whose absurdity and ferocity *cannot be exaggerated*; who wanted not only freedom of conscience for themselves, but absolute dominion over the consciences of others; not only the Presbyterian doctrine, polity, and worship, but *the Covenant* in its utmost rigour; nothing would content them but that *every end for which civil society exists* should be sacrificed to the ascendancy of a theological system."[1] This cuts deep into the question of how far the governments of the restored dynasty were justified in their alarm for the Crown, and in the severity of their enactments, and of some of their proceedings, against the conventicle system of the outlawed agitators. For that was the system which, crushed as it had been on a larger scale in 1666, was still struggling from that period to the time when Claverhouse returned to Scotland, for the upper hand in the State, and the entire sub-

[1] See before, vol. i. p. 12. It were well if all the severe denunciations of character in Lord Macaulay's History were as true and just as this. It, indeed, affords a complete answer to his own inconsistent denunciations on the other side.

Digitized by Google

jugation of the Sovereign. And the men who founded, promoted, and kept alive this agitation against the Throne, and who compelled the government to confront them with all the power of the sword, and the terrors of the law, were none other than those whom Lord Macaulay describes as characterised by an absurdity and ferocity not to be exaggerated, and as wanting not only freedom of conscience for themselves, but absolute dominion over the consciences of others.[1] . And hence it was, as we have said, that to put down conventicles, by the strong hand of the Executive, and, as one of the most humane means to that end, to compel the communities of certain inflamed districts to " to keep the kirk,"—in other words to give quiet and orderly attendance in their parish church, instead of becoming active in, or accessory to, the hatching of rebellion, and murder, under the name of the only true religion, in the hiding haunts of rebels, and of worse criminals, came to be a matter of absolute necessity to the standing of the monarchy.

That upon all such occasions suffering will often reach the innocent, and that, too, even when the guilty escape, seems inevitable. When the elements of senseless anarchy and social government are in violent collision, all suffer in various degrees, and the spirit of justice is powerless to regulate or apportion the due measure to each. As if the lot of humanity, this has always happened in wars and tumults, insurrections and rebellions, even in the latest and most civilized ages. Factious and fanatical disputants make the most of this sad truth,

[1] Fountainhall, with all his whiggery and opposition to government, had too much honesty to uphold the conventicle preachers. He says :—" One of the first things we heard at the entry of this new year, 1681, was of the death of Mr John Welsh, one of the eminent conventicle hill preachers in Scotland. He had been the occasion of seducing many people away from the orderly government of the Church ; he was both in the insurrections of Pentland lands and Bothwell Bridge ; but was not so *gross* as wholly to disown the King, with *Cameron* in the proclamation at Sanquhar in June last ; or to excommunicate him, with *Cargill* in September last, though he was a great enemy to the Bishops ; as his grandfather, of the same name, in the reign of James the Sixth, was, and was banished for it, and lived in France. So that, this Mr John Welsh, his grandchild, in comparison of the other *hot-heads may pass* for a soberer man. He died at London. There is but a small remnant of these *disorderly ministers* now left, unless a new fleece arise to own the same principles."—*Fountainhall's Historical Observes*, p. 23.

Digitized by Google

by presenting it in all the colours of falsehood. But quiet Presbyterians, or passive covenanters, were no more objects of pursuit by the executive of the Restoration, than they would be now. And the violent exaggerations, and downright falsehoods, of that vicious and beggarly school of Scotch polemics which Wodrow inflated into the most disgusting of histories, under the auspices of the Orange Revolution, furnish no just or rational argument whatever against the justice and necessity of the most rigorous exertions of the State, to defend the Throne against the blasphemous pretensions of the rump of the Argyle regime.

We shall find presently, that the military command of which Claverhouse accepted at the close of the year 1678, under the administration of Lauderdale (his first employment in the service of his own King), had not a single condition attached to it, nor was there one feature in the duty, to cause a man of honour, just principle, or true patriotism, to shrink from the undertaking. The Chancellor Rothes himself, who had been superseded by Lauderdale, and was no less anxious (though less active) than Duke Hamilton, to effect his discomfiture and downfall, bears involuntary testimony to the necessity of his energetic policy in repressing the conventicle system. Rothes spoke the language, not of faction, but of conviction and truth, when he wrote these words to Queensberry (also sworn foe to the fiery minion), on the 8th of June 1678,— "My own thoughts of the affair, after *serious reflection*, is, that there is a *necessity* for raising money to maintain some force for some time. For not only are we shamed and affronted by numerous and frequent conventicles, but I really find there is a *great disturbance* and disquiet in the humours of the people; and they are *possessed with seditious principles against the King* and his government, which is *most detestable* to all honest men; and I judge it most rational to give of our money, (although those receive the benefit, and *taste the sweet of it*, who are not *our friends*,) rather than have the rebellious '49 re-acted over again, and we and our posterity to live in *slavery*."[1]

[1] See before, vol. i. p. 367.

Digitized by Google

That Lauderdale was not opposed, and hated, any more than he was chosen and appointed, by reason of the *ruffianism* of his nature, will be manifest to any one who looks closely into the chronicles and records of those unhappy times; unless, indeed, we are to accept of his character from the truthless chroniclers of the conventicles; from such crazy-brained, low-souled fire-brands, as the authors of "A Hind let loose," and the "Life of Peden;" men to whom "the Prince of Darkness was a gentleman;" in which case the whole nobility of Scotland comes under the same frightful category. The following letter to Queensberry, wherein Rothes chides his jealous friend for keeping so close in his castle of Sanquhar, instead of paying the due mark of respect to him whom the King delighted to honour, contains a very fair and manly tribute from the Chancellor to his political enemy, notwithstanding the undisguised self-interest mingled therewith:—

"*For the Earl of Queensberry, These:—*

"*2d August* 1678.

"MY DEAR LORD:—Yesterday, in the afternoon, I received the honour of yours, and must acknowledge was surprised very much to find the resolution you have taken not to come in and take leave of the King's Commissioner; and you must allow me to use the freedom I ever have, and shall do, with you, which is, to tell you the very thoughts of my heart without reserve. So, as to your not coming, I am very sorry for it, and I assure you I think you have taken wrong measures in it, even after I have considered all your arguments to the contrary. And now, he being going to attend the King,—from whom I have seen letters to him of a kinder and more obliging strain than ever I saw him write, and from the Duke, and from the Bishop of London in name of all his brethren, all of them full of kindness and renewed assurances of friendship, as I acknowledge I did admire at them, and had I not read them I should hardly have believed them,—so, I say, he being now going there, the character he gives every one at the first will take deep impression; and since all that both you and I intends is the King's service, and our own and our friends' preservation, I do not love to stand upon circumstances, nor anything that looks like *capitulation;* but a free declaring for the King's service, and in his own way, whoever be the person he thinks fit to intrust; and if I

Digitized by Google

understand anything of the way to deal with my Lord Lauderdale, this is it. I know he is *very high*, and often *shaggarin*, and *angry;* but *not of an evil nature.* For myself, he is very civil to me, just as he was before ye went away. But of business, I mean the laying down methods how things shall be managed, he has not said one word. But I have spoke with great freedom to my Lord Saint Andrews,[1] who is very clearly of my opinion. I have taken an opportunity to speak with my Lord Hatton[2] at length concerning you; and I told him of your firm resolution to serve the King in whatever station he should judge you capable; and till then you was resolved to live at home, and make no bustle in the world; and that what business you should chance to have here, or if any at Court, it was both your inclination and desire to owe the obligation to my Lord Hatton [rather] than to any body else. This I found took very much with him, and he begged to know wherein he could serve you; and desired to know when he might see your *signatour;*[3] and assured me he should use his endeavours to serve you. I told him only concerning your change of holding, your writer as yet never having brought either your *signatour*, or any thing shewing what was in it.

"Now, to go on with what passed betwixt us, I told him, if my Lord Lauderdale would represent you as willing and able to serve the King, I durst undertake, upon the hazard of my life, for your performances; and that if my Lord Lauderdale do oblige you in that kind, that no man shall prove himself more grateful than you, and readier to give suitable returns to his Grace. So he said,—'I am my Lord Queensberry's servant; and will you, my Lord Chancellor, give me leave to say this to the Commissioner?' I said I would, and desired him to do it. Now, my dear Lord, if I have done wrong, pray you tell me; for, as I told Hatton in the entry of my discourse, that you were one of the men in the world I had the greatest desire to serve, and loved best, so I beseech you to use freedom with me. That which adds much to the misfortune of your not coming in, is, my Lord Hatton, I believe, goes to Court with his brother. But it is not known in town as yet; and, if it were possible, how glad would I be if you could come in upon Sunday, or Monday before twelve o'clock; for the Commis-

[1] Archbishop Sharp.

[2] The Treasurer-Depute, Charles Maitland of Hatton, Lauderdale's brother, who succeeded him in the Earldom. See before, vol. i. p 308.

[3] A royal warrant, or *signature*, to Exchequer, relative to some of Queensberry's property, about which he appears to have been particularly anxious. See before, vol. i. p. 309.

Digitized by Google

sioner goes but to Haddington that night, and on Tuesday to Haymouth; and I still reserve a place in my coach. But if you do not come, pray haste me such a letter as I may shew Hatton and the Commissioner, if it be necessary. You will have but very little time to consider of this; but either yourself or your servant is undoubtedly expected by yours,

"R."[1]

2. "BY THE DROWNING OF WOMEN."

This is one of Lord Macaulay's clap-traps, when he desired to create a great effect out of no materials. Indeed, he launched this bolt without having taken the trouble to ascertain whether there had been any execution by drowning at all.[2] But, to drown a woman is no aggravation of the cruelty of taking her life. Why did not our historian rather say,—"by the *hanging* of women"? That might have enhanced the horror, and would at least have embraced a fact. It appears, however, that not one woman was put to death in the reign of James II. by the Government in Scotland, for a political crime, or, as the fanatics phrase it, "for her religion." In the previous reign, indeed, two women, and *but two*, did actually suffer death for high treason. They suffered by hanging. But in neither reign, can we discover, that any rebel suffered, under the orders of government, the sentence of the law by drowning. In Scotland, no doubt, that mode of extinguishing life was considered less cruel, and more decent, than to strangle the victim like a dog, suspended from a rope in the air, for all comers to gaze at. Hence the distinction of the old baronial right of "pit and gallows," in charters conferring on a vassal the power of life and death. The pit was for "the drowning of women." That ghastly compliment to the sex was never strictly adhered to. Yet even during the troubles of the Restoration, the Lords Justices commissioned to try cases of high treason in the dis-

[1] Queensberry Papers.

[2] What renders Lord Macaulay's sweeping accusation against Lauderdale the more ridiculous is, that the *only* instance of the "drowning of women," for treason, alleged by the fanatical writers, (and with what truth we shall presently see), is that said to have occurred 11th May 1685. Now Lauderdale died in 1682!

Digitized by Google

turbed districts of Scotland, had special instructions from the Privy Council, that, in the event of a female rebel being condemned, and left for execution, the mode of death was to be, simply, by drowning.[1] This was in the spirit of the anecdote told of that great ladies-man, the Chancellor Rothes, who is said to have assigned as a reason for not subjecting a female delinquent to the abominable ordeal of judicial torture, that it did not become a lady to wear boots. But, as we have said, in point of fact, government ordered no State criminal for execution by drowning, in the reign either of Charles II. or James II. When, during the former reign, in 1681, the Lord Advocate, and Privy Council, were absolutely driven to make a severe example among the female zealots, who frequently shewed as perfect ruffians, the public prosecutor obtained a conviction for high treason against two women at the same time, and they were hanged together.[2] Upon this occasion, the idea was mooted, and seemingly even by that mild and moderate whig lawyer, Sir John Lauder of Fountainhall, of drowning them "privately in the North Loch"; a proposition to which the Privy Council very wisely would give no countenance. Whether the policy of putting those two crazy termagants to death at all, was really justified by the necessity of the times, is very naturally questioned in our own. But the present age can scarcely judge that question with impartiality and fair-

[1] It is manifest that this instruction was a modification in the spirit of forbearance, and not of severity or cruelty. It was issued to these high commissions of Justiciary, in 1684–5, in consequence of the conventicle declaration of war, and threats of assassination, affixed anonymously to church-doors, &c. Hence the oath *abjuring all this* was framed, to test suspected persons. Now, *in favour of women*, this instruction was issued: "But at this time you are *not to examine any woman*, but such as have been *active* in the said courses *in a signal manner*; and those are to be *drowned*." That is to say, that if doomed as traitors, they were not to be *hanged, drawn, and quartered*. And the fact is, that, subsequent to this instruction, *no female rebel was executed at all*, by order of government. In the Act, May 13th, 1685, enforcing the application of the test act 1681, there is this clause: "It is always declared that this Act *extends not to women*."

[2] Isabel Alison, and Marion Harvie. They belonged to the horrid gang of furies who vehemently upheld the righteousness of the murder of the Primate, and did their best to bring it about, and to promote the diabolical system. See before, vol. i. p. 303, for an account of their demeanour, their trial, and execution. These women *insisted upon being condemned*, which perhaps ought to have saved them on the plea of insanity. The jailor declared he considered their demeanour insanity.

Digitized by Google

ness towards the government of the Troubles, nor do we deal with it here.[1] Most assuredly, however, the spirit of *cruelty* neither dictated nor presided at their execution. The very reverse is the case. The execution itself was no *characteristic* of the Lauderdale administration. It was an exception, and a *solitary one*, to the government policy of excluding females altogether from the covenanting crown of martyrdom. Throughout the whole "Cloud of Witnesses," a collection first published in 1714, there are but four female martyrs recorded. The two, namely, who were hanged together in 1681, and another pair *said* to have been drowned together at Wigton in 1685. In the first instance, the very style of the gallows-blasphemy called their "dying testimonies," as recorded in the Cloud, tends to justify the Executive. The other instance would seem to be simply a lie, with many circumstances.

There is nothing more remarkable in the history of these sad troubles, than the merciful and long suffering forbearance of government towards female rebels, who in their rebellious tantrums were sometimes more dangerous, and always more forward than the men. That during this struggle between established government and fanatical anarchy, female delinquents, nay, females who could not be called delinquents at all, but who, from their unobtrusive piety, their harmless gentle demeanour, their refined sentiments, their venerable age, or else their interesting maidenhood, were the very treasures of rural society, and a credit to the country, were nevertheless treated as the worst and most dangerous enemies of the State, is a gross and stupid calumny, with which Wodrow has debased History, and Lord Macaulay betrayed it. There were far worse types of female delinquents than Jenny Geddes.

[1] The very few women who were tried capitally for high treason, were not isolated females, foolishly arrested for a few idle, fanatical or rebellious words, but were violent and dangerous rebels, haunting with, and sometimes apprehended along with, outlawed scoundrels who denied, publicly, the King's right to reign, and proclaimed themselves ready to *cut his throat*. We must not take Wodrow's word (or Lord Macaulay's), either for the *innocence* or the *age* of these female delinquents. The order of Government, quoted in the previous note, that no women were to be brought before these tribunals in 1684–5, "but such as have been *active* in the said courses, *in a signal manner*," was founded upon a great *disinclination* on the part of Government to punish women capitally for State crimes.

Digitized by Google

Claverhouse, in a letter to be afterwards given entire, concludes the most rational and humane views written to Queensberry in 1682, with the despairing announcement,—"It is vain to think of any settlement here without a constant force placed in garrison; and this is the opinion of all the honest men here; and their *desire*, for there are some of them, do what they like they cannot keep *the preacher* from their houses, in their absence, *so mad are some of their wives.*" The murder of Archbishop Sharp had been decreed by certain monsters of the sex long before that cowardly and fiendish deed was crowned with the success that produced far fewer martyrdoms than it ought to have done. In quoting Kirkton for the fact, we give these furies the benefit of a friend's testimony:—

"Also this summer (1674), *because men durst not*, the women of Edinburgh would *needs* appear in a petition to the Council, wherein they desired *a gospel ministry*[1] might be provided for the *starving* congregations of Scotland. Fifteen of them, most part *ministers' widows*, engaged to present so many copies to the principal Lords of Council, and upon the 4th of June filled the whole Parliament closs.[2] When the Chancellor came up, Sharp came up with him, and, as the Chancellor left his coach, Sharp clapt close to his back; fearing, it may be, bodily harm, which he *then* escaped; *only*, some of them reproached him, calling him Judas, and traitor, and one of them *laid her hand upon his neck*, and told him, *that neck must pay for it ere all was done;* and in that *guessed right;* but this was all he suffered at that time. Mr John Livingstone's widow undertook to present her copy to the

[1] The usual covenanting cant of this rebellion, which meant, a "covenanted King," and the *supremacy* of the Covenant, and its high priests of the stamp of Alexander Shields, &c.

[2] This indicates a great mob of women, of whom the fifteen were the ringleaders. Bishop Burnet says,—"Petitions for *able ministers* were given in to the Council by *many hundreds* of women, who, on the 4th of June (1674), filling the Parliament-close, threatened the Archbishop of St. Andrews, who passed along with the Chancellor, for whose coming he had waited in his own chamber; and some of them had *conspired to set upon him*, when a woman, *whom I shun to name*, should raise her hand on high as a signal; to *prevent which* the Chancellor, by entertaining the woman with insinuating speeches all the time as he passed to the Council, did divert that *bloody design*." Burnet "shuns to name" the *daughter* of his maternal uncle, *Warriston*.

Digitized by Google

Chancellor, which she did. He received it, and *civily pulled off his hat.* Then she began to speak, and took hold of his sleeve. He *bowed down his head*, and listened to her, because she spake well, even till he came to the Council-chamber door. She who presented her copy to Stair (the President), found no such kind reception, for he *threw it upon the ground;* which made one tell him, he did not so with the *remonstrance against the King*, which he helped to pen. But when the Council convened, the petition was turned into a seditious libel, in the vote of the court. The Provost and guard were sent for, but none of these were *very cruel;* only they threatened, and the women dissolved. Thereafter, for an example, some of them were cited, and some denounced rebels. Three women they incarcerate also for a time: James Clelland's wife, Lilias Campbell, and Margaret Johnston, a *daughter of Warriston's.* And this was the end of that brush."[1]

Fountainhall, too, may be fairly quoted as one not inclined to treat too leniently the measures of the government to which he was opposed, or to withhold from the martyrs of the Covenant whatever meed they merited. Throughout the whole of his voluminous and various chronicles, reports, and diaries, composed especially of such events occurring in the reigns of Charles II. and James II., he records *but one occasion* of the execution of females on account of a crime against the State. This fact seems of itself almost conclusive (in the absence of all contemporary record to the contrary), to prove that no more had taken place. That single notorious occasion he thus very fairly narrates:—

"26th January 1681.—There were *hanged* at Edinburgh two women of ordinary rank, for their uttering treasonable words, and other principles and opinions contrary to all our government: The one was called Janet [Isobel] Alison, a Perth woman, the other [Marion] Harvie, from Borrowstoun-

[1] Kirkton's History, edited by Mr Sharpe, p. 344. Nothing could be better told than this, or more characteristic, respectively, of Chancellor Rothes, and President Stair. It may be doubted whether, if, in our own humane times, a mob of furies beset the Judges at the Court-house door, on the subject of their dealing with Kirk matters, and took, say the Lord Justice-General by the cuff of the neck, and intimated to him that his life would be taken ere long, they would not have been much more severely dealt with.

Digitized by Google

ness. They were of *Cameron's* faction; *bigots and sworn enemies to the King and Bishops;* of the *same stamp* with Rathillet, Skeen, Stewart, and Potter."[1] Now, the men here named were the most truculent of the sect, and fit for nothing but the gallows. The first, indeed, was ringleader in the murder of the Primate. Fountainhall has more sense than to regard their female disciples and *encouragers*, as saints and martyrs. He expresses doubts as to the law of deducing high treason from words without overt acts, and, more especially, as to the policy of honouring any female with such martyrdom. "We debate," he says (referring to another page of his records), "how far men,—for *women* are scarce to be honoured with that *martyrdom*, as they think it,—are to be punished capitally for their bare perverse judgments, without acting. Some thought, the *threatening to drown them privately* in the North Loch, without giving them the *credit* of a public suffering, would have more effectually reclaimed them nor [than] any arguments which were used; and the bringing them to a scaffold but disseminates the infection.[2] *However*, these women proved *very obstinate*, and, for all the pains taken, would not

[1] See before, vol. i. p. 311, as to these murderous villains, and Fountainhall's interview with them in prison. He says, "they were all for *cutting off the King.*" Mas Robert Law himself, instead of defending them, says,—"*Bloody opinions*, and *practices*, have for their event *bloody ends* to them that entertain and practise them; and, indeed, they are nothing else but the *doctrines of Antichrist.*"

[2] But it must be borne in mind that the government were in possession of sworn evidence relative to the murder of the Archbishop (the search for whose murderers was still being actively prosecuted in 1681), which might well impress upon them (besides the scene in the Parliament Close in 1674), that women were neither to be despised, nor tenderly dealt with, in such matters, on the score of their sex. John Millar, tenant in Magask, deponed, "That, three days before the murder, some of the assassins had a meeting at Millar's house in Magask, where they concerted the business; that the next night they lodged at Robert Black's house in Baldinny, *whose wife was a great instigator of the fact;* and that, at parting, when one of them kissed her, she prayed that God might bless and *prosper them;* and added these words,—'If long Leslie (Mr Alexander Leslie, minister of Ceres,) be with him, *lay him on the green also*'; to which was answered, *there is the hand that shall do it.*" These were the kind of interesting female martyrs, who, under *the curates*, according to their own "testimonies," were "swearers and Sabbath-breakers," but "found much joy" under the *conventicle preachers*. It was a common trick of the Grassmarket martyrs to date their *conversions* from the time they ceased to "hear the curates," or indulged clergy; an assertion manifestly put into their mouths by the outlawed itinerant preachers.

Digitized by Google

once acknowledge the King to be their lawful Prince, but called him a *perjured bloody man.* At the stage they told, so long as they followed and heard *the curates*, they were *swearers, Sabbath-breakers*, and with much *aversion* read the Scriptures; but found *much joy* upon her [their?] spirit since she followed *the conventicle preachers.*"[1]

No period of public commotions can be referred to, since government began, in which an established government having to deal with, and defend itself against, the most violent revolutionary agitation, garnished with murders and assassinations, would not have treated such determined and dangerous viragos, with even less ceremony than the Lauderdale administration did these two. And, most assuredly, the savage Rump of the Argyle *regime*, whose selfish and cowardly agitations brought upon such deluded creatures the fate which all must commiserate, were the very last entitled to take the name of God in their mouths, and appeal to heaven against the government of the Restoration, as one of oppression and cruelty. The remnant, forsooth, of that clerical faction who, in Parliament, Assembly, and pulpit, never ceased to howl like wolves for the blood of the innocent! Who, at their

[1] Historical Observes, p 26. It was the conventicle preachers who put all these rebellious and calumnious tirades into the minds and mouths of such weak scholars, and stood between them and mercy on earth, without preparing them for heaven. Claverhouse, in another letter (1682) to be afterwards fully quoted, says,—"Did the King and the Duke know what those *rebellious villains*, they call *ministers*, put in the heads of the people, they would think it necessary to keep them out. The poor people about Minnigaff confess, upon oath, that they were *made* renew the Covenant, and believe the King was a papist, and that he designed to *force it on them.*" The two wretched females hanged in 1681, were as completely under the control of these covenanting bullies, mind and body, as ever were the most priest-ridden of the Irish assassins. But such women, again, with weak minds, and strong passions, thus perverted and inflamed, exercised great influence over the ignorant youth of the other sex, and greatly aggravated the danger to the government and the Throne. Fountainhall records the following case, in his *Collection of Decisions:*

"March 27, 1682: At Criminal Court, the woman called Fyffe, who had *struck Mr Alexander, one of the ministers of Edinburgh*, was condemned to be hanged on the 7th April next, for *railing against the King*, and calling him a *villain*, a *knave*, an apostate, and perjured man, *who deserved to be murdered*, &c. This was a wild delusion of *Cameron's sowing;* but the Privy Council, looking upon her *as mad, reprieved her.*" Perhaps they ought to have treated the previous case of Isobel Alison and Marion Harvie in like manner; but the Government were alarmed, and provoked beyond all endurance.

Digitized by Google

savage massacres, in cold blood, stained their ancles with the gore of their unarmed and helpless victims! Of whom, indeed, it may truly be said, that they were ruffians, who endeavoured to extirpate *Episcopacy* by "the drowning of women." For they, it was, who tossed the poor desolate, starving, bereaved Irish women (whose husbands they had recently murdered in cold blood), and their helpless infants, by scores together, over high bridges into foaming rivers, and caught on their pikes the few that could crawl to land. The sect, in short, who taught King William how to triumph at Glencoe! To speak of *reciprocity* in such cruelties and crimes, is nonsense. No parallel can be drawn, no balance can be struck, no equivalent pretended, between the endless and lawless massacres of the Covenant, and the sternest State measures that can be quoted against the Restoration with even a tinge of truth.

Lord Macaulay's absurd and puerile *dictum*, derived from cursory glances at fanatical pamphlets, that the government of Charles II., "wanted a ruffian to extirpate Presbyterianism by the drowning of women," and found him in Lauderdale, is answered, by anticipation, so early as in 1691, the second year after the death of Dundee. The Lord Advocate, Sir George Mackenzie, in his admirable and most temperate "Vindication" of that government, thus refers to the fate of Isobel Alison and Marion Harvie, whom it was his own most unpleasant duty to bring to justice at Edinburgh, where he conducted the trial. The italics occur in the original pamphlet, published with Sir George's name attached to it:—

"There were indeed two women executed, and *but two in* both these reigns, and they were punished for most heinous crimes, which no sex should defend. Their crimes were, that they had resetted and entertained, for many months together, *the murtherers of the Archbishop of St. Andrews;*[1] who were likewise *condemned traitors*, for having been openly in rebellion at Bothwell Bridge; whereupon they having been prosecuted, declined the King's authority, *as being an enemy to God*,

[1] Fountainhall admits that they were "of the *same stamp*." And by recording no other execution of women, for such crimes, *he confirms* the Lord Advocate's statement that only these two suffered.

Digitized by Google

and the Devil's vicegerent. And though a pardon was offered to them upon their repentance, they were so far from accepting it, that they owned *the crimes to be duties;* and our accusers should remember, that these women were executed for higher crimes than the following *Montrose's camp*, for which *fourscore women and children* were drowned, being all in one day thrown over the bridge at Linlithgow by the Covenanters; and six more at *Elgin* by the same faction, all without sentence, or the least formality of law."[1]

Sir George's "Vindication" elicited another pamphlet, by way of answer, published anonymously, in the following year, 1692. It displays all the virulent exasperation of temper and language, and all the violent assumptions and disregard of truth, characteristic of fanatical pamphleteering. But, minute and unscrupulous as it is, in its angry contradiction of the ex-Lord Advocate, no contradiction whatever of that passage in the "Vindication," which we have just quoted, is to be found in the reply. We may hold the fact, thus so pointedly asserted by the public prosecutor himself, tacitly corroborated as it is by Fountainhall, that, during both reigns, only *one occasion* occurred of the execution by government of females for State crimes,—to be both proved and admitted. What, then, does Lord Macaulay mean by all that historical vapouring about the drowning of women? Perhaps what follows may account for it.

This great literary genius appears to have been haunted by the vision of a young, tender, and delicate female, whom he holds to have been murdered by James II. Her name, he says, was Margaret Wilson. He sometimes alludes to her as one of "the delicate women to whom James was inexorably severe." More specifically, he calls her "a maiden of eighteen," and soothes her *manes* with such tender terms as "poor girl," and "dear Margaret." In short, so thoroughly is he persuaded of the reality of this glorified myth, that he seems to pledge his accuracy, as a historian, upon her precise age of *eighteen*,

[1] See this accusation fully illustrated in our Memoirs of Montrose, 1856, vol. ii. pp. 585–596. Sir George's assertion, in which he could not be mistaken, was never contradicted.

Digitized by Google

and his reputation, as a man about town, upon her innocent virginity. This murder he does not conceive to have been actually committed by King James with his own hand, but by some "presiding officer," round whom (and her) "her pitying friends and neighbours crowded," while a very deliberate and tedious process of suffocation, by drowning, was carried on. As the sacrifice occurred (according to Lord Macaulay), at "a spot which the Solway overflows twice a-day," and the sacrificial altar, being a stake, had to be "fixed in the sand," which was any thing but fixed itself, the whole proceeding must have been extremely perilous for all concerned, as any one who remembers the fate of the Master of Ravenswood, may easily conceive. At this very public, but not very intelligible murder, which reads more like a *Suttee* by water, than the State sacrifice of a virgin for the public safety, (at which, alas, no Perseus came to save), there was so much petting and plunging, praying and ploutering, poking in, and pulling out, sighing and swearing, gurgling, gasping, and glorifying, that we can believe Lord Macaulay's positive assertion (assuming the facts), that "the sight was dreadful." Indeed, the marvel is, that the whole *posse comitatus* of them, saints and sinners, had not disappeared under the quicksands, five fathom down, among the brood of the Kraken.

But let us assure our gentle readers, that we would not have opened thus lightly upon a story so tragical and tender, had we not been satisfied that, however tender, it is not true. Still, Lord Macaulay, by dint of adopting the sentimental phraseology, and culling all the tit-bits (like a boy picking plums from a mouldy cake) out of the narrative of Wodrow, retails a story of this kind with such inimitable grace and finish, that we cannot forego the gratification of here giving the legend of Saint Margaret Wilson in the very words of England's greatest historian in our days:—

"The *eleventh of May* (1685), was made remarkable by more than one great crime."—"On the same day, two women, Margaret Maclachlan and Margaret Wilson, the former an aged widow, the latter a *maiden of eighteen*, suffered death for *their religion* in Wigtonshire. They were offered their lives

Digitized by Google

if they would consent to *abjure the cause*[1] of the insurgent conventiclers, and to attend the *Episcopal worship*. They refused, and they were sentenced to be drowned. They were carried to a spot which the *Solway overflows twice a-day*, and were fastened to stakes fixed in the sand, between high and low water mark. The *elder* sufferer was placed near to the advancing flood, *in the hope* that her last agonies might terrify the *younger* into submission. *The sight was dreadful.* But the courage of the survivor was sustained by an enthusiasm as lofty as any that is recorded in martyrology. She saw the sea draw nearer and nearer, but gave no sign of alarm. She prayed, and sang verses of psalms, till the waves choked her voice. After she had tasted the bitterness of death, she was, by a *cruel mercy, unbound*, and restored to life.[2] When she came to herself, pitying friends and neighbours implored her to yield. '*Dear* Margaret, only say *God save the King!*' The poor girl, true to her *stern theology*, gasped out, 'may God save him, if it be God's will!'[3] Her friends *crowded round* the presiding officer. 'She has said it; *indeed Sir*, she has said it.'—'Will she take the abjuration?' he demanded. 'Never!' she exclaimed, 'I am Christ's, let me go!' And the waters closed over her for the last time."[4]

The authority quoted by Lord Macaulay for this harrowing tale is, as usual, "*Wodrow*, iii. ix. 6." But he adds this clincher, which he fancied nobody could deny: "The *epitaph* of Margaret Wilson, in the churchyard of Wigton, is printed in the Cloud of Witnesses:—

[1] That is a very unfair statement, for the nonce, of the oath of abjuration as required to be taken in 1685. Of this afterwards.

[2] This must have been a difficult operation, well fastened, as of course she would be, to the stake, and the tide running so high, as already to have "choked her voice." But, perhaps, the tide receded, and stood still, to let them do it.

[3] A most excellent and orthodox edition of God save the King, whether said, sung, or gasped, and no "stern theology" about it. But *the Pedlar* (as we shall see), has it, that when asked to pray for the King, her answer was, that she would only pray for "the Elect;" whereupon Sir Robert Grierson of Lagg, ducked "dear Margaret" again, and called her "Damned Bitch." We believe *neither* Lord Macaulay nor the Pedlar.

[4] This fine exhaustive climax is partly borrowed from Wodrow, and partly from "The Monk," by Lewis. By the way, was she tied to the stake again?

Digitized by Google

"Murdered for owning Christ supreme
Head of His Church, and no more crime
But her not owning Prelacy,
And not abjuring Presbytery,
Within the sea tied to a stake,
She suffered for Christ Jesus sake."[1]

And upon this foundation, firm as the sands of the Solway, Lord Macaulay builds his wholesale accusation, that the government of Charles II., set itself to extirpate *Presbyterianism* by the "*drowning of women.*" Now, we say, that the single instance, as here given, bears falsehood on the face of it. It is a historical impossibility. The evidence from the records is unequivocal and ample, that the governments of the Restoration were ever anxious to avoid the prosecution of females for high treason and state crimes, involving a capital condemnation; and this even as regarded the worst and most incorrigible of disreputable women. Nor could it possibly have happened, that the aged and the young of this sex, both of the most innocent and harmless lives, could thus have been made to perish together in the manner here described, and for the reasons here assigned. And how comes it that our historian did not inform his readers, that Wodrow (whose words he borrows), publishing an account in 1722 of what he says happened in 1685, allows the very significant fact to escape him, that men who had retained their senses on such subjects, *denied the truth of it?* "I shall give it," he says, "at the greater length, and the rather, because the *advocates for the cruelty of this period,*"—*i. e.* all who presumed to doubt Wodrow,—"and *our Jacobites* have the *impudence*, some of them to *deny*, and others to *extenuate* this matter of fact." And did Lord Macaulay not know, that Wodrow's rival martyrologist, Patrick Walker, in giving his own characteristical *variety* of the same story, in 1727, five years afterwards, complains of the same want of faith? Mark how Patrick the pedlar com-

[1] The *epitaph* was composed *subsequent to the Revolution*. Moreover, Lord Macaulay never had studied the "Cloud of Witnesses." A single glance might have cured him forever of quoting such rubbish. Was he aware that both in the *narrative*, and the *appendix* (containing the epitaphs), of the "Cloud," the scene is laid in the year 1684, and not, as Wodrow gives it, in the "killing year" 1685?

Digitized by Google

mences his energetic version :—" I could give *many instances*," which he knew he could not, " but at this time shall only mention the drowning of these two women at Wigton in Galloway, the 11th of May 1685,—*which some deny to be matter of fact.*"[1] Were the students of history not entitled to have before them this very important admission, both by Wodrow and Walker, along with the trash which Lord Macaulay condescended to make his own ?

But it was not the object of our illustrious author to investigate this grand point of dittay against the government of James II., with a just anxiety to discover the truth. The story, as Wodrow tells it, is so improbable, if not impossible, that Lord Macaulay could not fail to see, that if he wished to retain the scandal, as a valuable *pendant* to the *pistol scene* in his version of the death of John Brown, he had better take Wodrow's word for it, as before, and enquire no further. His object was to malign Claverhouse and James II., not to ascertain the fact. But this mode of dealing with history and truth, also constrained him to be very sparing in his adoption

[1] The Pedlar's dramatising of the fable differs from Wodrow's. We give it here, with the italics, as printed in the *Biographia Presbyteriana*, 1827. It was first published in 1727, by this fanatic, in the anonymous form of a *chapman's tract* :—

" *Margaret Lachlan* was past 63 years, and some of her intimates said to me, she was a Christian of deep exercise through much of her life, and of high attainments and great experience in the ways of godliness ; and *Margaret Wilson*, who was put to death with her, aged 23. The old woman was first tyed to the stake, enemies saying, *'Tis needless to speak to that old damned bitch, let her go to Hell :* But, say they, Margaret, *Ye are young ; if ye'll pray for the King we will give you your life.* She said, *I'll pray for the salvation of all the Elect, but the damnation of none.* They dashed her under the water, and pulled her up again. People looking on said, *O*, Margaret, *will ye say it ?* She said, *Lord give him repentance, forgiveness, and salvation if it be thy holy will. Lagg cried, Damned Bitch, we do not want such prayers : Tender the Oaths to her.* She said, *No, no sinful Oaths for me.* They said, *To Hell with them, to Hell with them, it is o'er good for them.* Thus suffered they that extraordinary and unheard-of death."—*Patrick Walker's Vindication of Mr Cameron's name.* See before, vol. i. p. 146, for some account of this wild fanatic, Walker. He might well call it an " unheard-of death," for nobody ever heard of these details until more than *forty years after* 1685, when the interesting drama came to be thus fashioned according to the taste and habits of the dramatiser. The very fact of so circumstantial a scene, and so *particular* a dialogue (unrecorded at the time), being first given to the public in 1727, manifestly infers a gross fabrication. The pedlar himself was *in limbo* in 1685, on suspicion of the slaughter of a soldier, which Government could not *prove* against him, but which his own subsequent writings prove that he actually had committed.

Digitized by Google

of Wodrow's details. Accordingly, he restricts his nearly *verbatim* repetition to the scene at the alleged executions, and does not venture to face the *family history*, which his author records minutely, and which bears falsehood so glaringly on the face of it that common intelligence at once rebels. It will be understood why Lord Macaulay declined repeating the following facts with which the martyrologist elaborately prefaces the drowning of the women. We must compress his narrative:—

Gilbert Wilson, a farmer of considerable means, in the parish of Penningham in Wigtonshire, and his wife, were living peaceably, and "every way conform to Episcopacy." Indeed this substantial farmer was, by choice, a determined Episcopalian, and his wife had shown no disposition to differ. Their family consisted of a son, "Thomas Wilson, a youth of *sixteen* years of age," and "two daughters, Margaret Wilson, of *eighteen* years of age, and Agnes Wilson, *a child not thirteen years*." These very young people, educated as Episcopalians, by parents who continued strictly to adhere to that establishment, chose to think for themselves upon the great politico-religious question of the day. "Not from their *education*," says Wodrow, "but *a better principle*, they would *by no means conform*, or hear the Episcopal incumbent." Commencing with this most improbable fact, the cock-and-bull story goes on increasing in the marvellous. Neither screened nor protected by the orthodoxy of both their parents, nor yet by their own childhood, and absolute insignificance, these two girls and a boy, guilty (according to the story) of no other offence than not choosing to "hear the Episcopal incumbent," as their parents did (a purely domestic delinquency, if one at all), were actually, by "*the persecutors*, searched for, but fled to the *hills*, *bogs*, and *caves*, though they were not yet *scarce of the age* that made them obnoxious to the law; meanwhile their parents are charged at the highest peril not to harbour them, supply them, or *speak to them*, or *see them*, without informing against them, that they might be taken." What follows is more monstrous still. Of these infantine political outcasts and outlaws, the *two girls*, "after the universal severities slackened a little at King Charles' death,

Digitized by Google

ventured to go to Wigton, to see some of their suffering acquaintances there, particularly *Margaret M'Lauchlan.* When they came to Wigton, there was *an acquaintance* of theirs, whom they took to be a *friend and well-wisher*, but he was really *not so*, and betrayed them." The manner in which this equivocal male acquaintance, Patrick Stewart by name, baited his hook for the maiden of *eighteen*, and her sister of *thirteen*, was extremely ingenious, and perfectly successful: " Being in their company, and *seeking occasion against them*, he proposed *drinking the King's health;* this they *modestly* declined; upon which he went out, informed against them, and brought in a *party of soldiers*, and seized them: As if they had been great malefactors, they were *put in the thieves hole*, and after they had been there *some time*, they were removed to the prison where *Margaret M'Lauchlan* was." Now, this was the aged saint destined to receive the crown of martyrdom whether she would or no, that the sight of her spluttering in the water might scare " dear Margaret" from being crowned in like manner. So Wodrow next takes up the song of *old* Margaret. He describes her, of course, as being clothed with every Christian virtue; a venerable piece of Christian perfection, aged sixty-three. She was accused of " rising in arms and rebellion," and of every other form of the high treason of the period,—*nonconformity*, or failing to *hear the curates*, being, of course, her sole offence. " She was seized upon the Lord's day, when at family worship in her own house," and cast into the prison where her young friends found her. There, as Wodrow tells the wondrous tale—which Lord Macaulay does *not* venture to repeat,—this old woman, in the dead of winter, " had neither fire, nor bed to lie upon, and had very little allowed her to live on." Well, these *three* females, the old woman of sixty-three, the maiden of eighteen, and the young child of thirteen, were tried *by Jury*, under the High Justiciary Commission sitting at Wigton, in 1685, and being there accused of a variety of crimes against the State, which it was *impossible* they could have committed, and having all, *including the child of thirteen*, refused the oath of abjuration.[1]

[1] The oath of abjuration here meant was that framed and imposed in consequence of there having been secretly affixed to various market-crosses and parish

Digitized by Google

"The assize bring them in guilty, and the judges pronounce their sentence, that, upon the 11*th instant, all the three* should be tied to stakes fixed within the flood-mark, in the water of Blednoch, near Wigton, where the sea flows at high water, *there to be drowned.*"

And all this is tacitly adopted by Lord Macaulay, without a vestige of *record*, or of *evidence*, as if it carried truth on the face of it, and conviction by the telling! Alas! for History in such hands. But why did this illustrious pupil of the Scotch martyrologist fail to inform us that there was a maiden *younger* than eighteen figuring in the tragedy? Why did he omit the fact, that a *female child of thirteen* was tried by jury before that High Commission, found guilty of, in her case, *impossible* State crimes, and fell, equally with the other two, under that merciless sentence of death? It matters not that the coarse fabricator, from whom he culls, had told him that *the child* was not actually put to death, the father having *purchased* her life from these cruel persecutors. We would know, why Lord Macaulay, in founding this frightful accusation against the government of James II. (a government composed of the old nobility of Scotland, and the most able aristocracy of the realm), and founding it upon no better authority than the low-minded Wodrow, *excluded* from his adoption this feature in the narrative, that that Royal Commission of Justiciary, acting under the particular instructions of the Privy Council of Scotland (who were always most forbearing with female rebels), and answerable, at their highest peril, for the due performance of their duty in terms of their instructions, did so try a female child of *thirteen*, and did condemn that child so to die, as in *pari casu* with an aged woman,

church doors, a most treasonable and alarming declaration of war against the Government, and disowning of the King; containing also a violent threat, and incentive, to murder all constituted authorities that dared to pursue them. This furious manifesto of the Conventiclers, under the leading of Renwick, was dated 28th October 1684. See before, vol. i. p. 342. The oath of abjuration framed in consequence, and put to all delinquents and suspected persons, *above the age of sixteen*, contained these words:—"I do abjure, renounce, and disown, a late Declaration, &c. *in so far as it declares war against the King*, and asserts it is *lawful to kill any* that *serve his Majesty* in Church, State, Army, or country." This was no severe tax, surely, upon an innocent and Christian conscience.

Digitized by Google

for high treason against the State, and for *refusing to abjure* herself from an impossible intention to conspire against the Throne, and to kill the King, or his Counsellors? Why does *that* gem not adorn the tragic page which our noble author has bestowed upon the Saints of the Solway? *Because it was incredible!*[1]

But we have a graver charge against this melancholy page of indignant *Macaulese*. The calumny is levelled directly, and with implacable emphasis, against the government of the Stewart dynasty. To that end, for that purpose, Wodrow himself had carefully concocted this legend of incomprehensible cruelty. But, ere he had closed that chapter of his horrors, he found himself reluctantly constrained to *withdraw* his charge against the government, and to confess himself *absolutely ignorant* of the real state of the case, or the actual truth of the story which he had been handling with such consummate effrontery. Now, this all-important fact, is also entirely omitted by the illustrious genius who condescended otherwise to *copy Wodrow*. In no page of fanatical history shall we find any thing more unfair than the form in which Wodrow *withdraws* that charge. And scarcely less so is the silence with which Lord Macaulay chose to ignore a *recantation* that utterly destroyed his authority. It arrests the attention of any intelligent reader, at the conclusion of Wodrow's long-winded calumny, and we shall give it in his own words. After finally telling us that, "She died a virgin-martyr about eighteen years of age, and both of them suffered precisely upon *refusing conformity*, and the abjuration oath, and were *evidently* innocent of any thing worthy of death,"—this strange wind-up surprises the gentle reader in the midst of her tears, and leaves her doubtful whether to weep or to laugh:—

"It is of *more importance*[2] to observe, that, in the Council-

[1] Perhaps Lord Macaulay had his wits sufficiently about him at the time to remember, what the old addle-pated martyrologist seems to have forgotten, that the royal "Proclamation against a treasonable declaration," of date 30th December 1684, expressly bears, that the oath of *abjuration*, of that treasonable declaration and its truculent contents, was only to be put to "both men and women *past the age of sixteen years*."

[2] Of "more importance" than what? Than the whole previous romance? No doubt it is. Why then did Lord Macaulay omit it? See Wodrow's History, vol. iv. pp. 246–249.

Digitized by Google

registers, *since I wrote what is above*, I find what follows: '*April last*, Margaret Wilson, and Margaret M'Lauchlison, under sentence of death pronounced by the Justices, are continued till , and the Lords of his Majesty's Privy Council recommend it to the Secretaries to procure their remission.'[1] The day to which they are reprieved is blank in the records; but I may safely suppose it would be for a longer day than the 11th of May,[2] there being scarcely time betwixt the 30th of April, and that, to get a return from the Secretaries. Indeed, at this time a recommendation from the Council for a remission was looked on as a *material pardon;* and, *if I may conjecture*,[3] Gilbert Wilson, when he, as we heard, after the sentence upon *all three*, made application at Edinburgh, seems to have *prevailed* [!] as to *all the three*, and the case was *extremely favourable*.[4] If matters stand thus, *the people at Wigton* are deeply guilty, and had no powers for what they did; and the death of these persons was what the Council *ought to have prosecuted them for.*"

Wodrow can obtain no character for candour, because of this lame and impotent conclusion. Ostentatiously parading, as he was, in these monster volumes, endless extracts from the Privy Council records, he dared not be utterly blind and silent as to this unwelcome discovery. Had it induced him, as it ought, to put his pen through whatever he had previously written on the subject, and honestly to follow up this glimpse

[1] Wodrow gives this under marks of quotation; but it is *not* what he found in the Register.

[2] He might safely suppose that, for the sentence was postponed *sine die*, as appears on the face of the record, the intention being not to execute them at all. The reference to the Sovereign was mere matter of form, as Wodrow is constrained to admit.

[3] So, Wodrow's fine romance, which even Hume was so careless as to adopt, he himself resolves, in the sequel, into a *conjecture!*

[4] In the face of his own discovery of the falsity of this particular charge against the Government, and perfectly well knowing that the instance of these two women was the *solitary case* he could pretend to adduce in support of the accusation of drowning women "for their religion," Wodrow allows the following to stand in his history, as the *prored characteristic* of the Government: "*Multitudes* were cut off *every month*, without the tedious formality of *a process*, besides a good number of public executions at Edinburgh and other places, and the *barbarous drowning of poor innocent women within the seamark.*"—*Hist.*, vol. iv. p. 182. This sentence is intensely false throughout.

Digitized by Google

of the truth, he might indeed have obtained some credit. But that was neither the plan of the work, nor the nature of the man. He knew that the discovery tended to destroy all the miserable oral traditions systematically sought for by his busy clerical friends, after the Revolution, in order to support his own history of the sufferings of the Kirk, and to make, *per fas et nefas*, a frightful case against the governments of the Restoration. So he still clung to the monstrous calumny he had gathered from such impure sources; still gave it to the world for true history; and, trusting to fanaticism, indolence, and contempt, as the various dispositions that would save him from being probed and exposed, he garbles the public record (in his day not accessible to general research), of which he pretends to give a precise and complete quotation, and, passing rapidly to a new calumny, shuffles out of the dilemma of the last, with the incoherence of a fool, and the disingenuousness of a knave.[1]

[1] We have found too many instances of Wodrow's disingenuousness (to give it no harsher name), both in his narratives, and his use of documentary evidence, to have the least hesitation in saying that he was aware of that reprieve, while concocting his calumnious *ad captandum* story of the martyrdom. He was not referring occasionally, or hastily, to the Privy Council Registers (which at this time were in *private custody*), but searching them thoroughly, and with unwearied assiduity, for his own virulent purposes. In the 3d section of chapter ix. of his third Book, commencing with the death of Charles II., in February 1685, he extracts largely from the Register, even including April 25th of that year; only *five days* previous to the sederunt at which the two women were reprieved; he then shuffles on, however, to "May 25th;" thus passing over the, to him, unwelcome record of mercy, of which he takes no notice whatever in *this section*. Then follows section 4th, "Of the sufferings and treatment of *particular persons* this year (1685) before the Privy Council." In this he might have redeemed his omission, being the very section wherein the *reprieve* ought to have appeared. But no; he begins his quotations of their proceedings in February 1685, continues them through March, and April down to the 24th of this last; and then slightly and shyly alludes to the 30th of that month *(the date of the reprieve)*, but hastily passes to "May 19th;" and subsequently quotes from the sederunts of June, July, August, October, November, and December following; but not a word of the reprieve of these two women, 30th April, 1685! Not until section 6th,—"Of the murders in the fields, *the barbarous drowning of women within the seamark*," &c., do we hear any thing from him of these mythical saints of the Solway. And it is only after having elaborately recorded his own virulent rubbish on the subject, that, forsooth, he suddenly tells us,—"In the Council-registers, *since I wrote what is above*, I find what follows,"—the *reprieve*, namely! Now, mark the reason of his curt reference (in Section 4th) to that sederunt of the *last day of April* 1685. He is tracing the "sufferings" of that

Digitized by Google

The public record as he *ought* to have quoted it, thus stands in the Register of the Privy Council :—

"*Apud Edinburgum, ultimo die Aprilis*, 1685.
Sederunt :
"His Majesty's High Commissioner, his Grace.

"Chancellor,	"Tweedale,	"President of Session,
Athole,	Balcarres,	Advocate,
Drumlanrig,	Kintore,	Justice-Clerk,
Strathmore,	Vis^{ct} Tarbat,	Castlehill,
Southesk,	Livingstoun,	Sir George Monro,
Panmuir,	Kinnaird,	Gosfoord.

"The Lords of his Majesty's Privy Council do hereby reprieve the execution of the sentence of death pronounced by the Justices against Margaret Wilson, and Margaret Lauchlison, until the day of And discharges the Magistrates of Edinburgh for putting of the said sentence to execution against them until the foresaid day; and recommends the said Margaret Wilson and Margaret Lauchlison to the Lords Secretaries of State, to interpose with his most sacred Majesty for the royal remission to them."

pest to government, Dame Margaret Weems, Lady Colville, and her various imprisonments, and releases under bond to re enter prison when called. She ran in couples with another high-class female delinquent, the Lady St. Ford : "April 24th," (1685),—says Wodrow, quoting from the sederunts of the Privy Council,—"her bond is prorogate, as also *the Lady Colville's, to the last instant.* And *that day* they are both ordained to re-enter prison. I meet with no more about them. *May* 19th," &c. &c. Here Wodrow is fairly caught in his own trap. On consulting the Council Register, we find, under the Sederunt of date *last day of April* 1685, the following order :—

"*The Lords of his Majesty's Privy Council do hereby give order to Captain Patrick Graham, captain of the town of Edinburgh's company, to apprehend Margaret Weems, Lady Colvill, and to see her re-enter prisoner within the tolbooth of Edinburgh, and this shall be his warrant.*"

Now, this order (which *Wodrow had found*) stands recorded *immediately before* (under the same sederunt) the record of the *reprieve* to Margaret Wilson and Margaret Lauchlison ! And Wodrow, after thus (in Section 4th) recording what he calls the "Sufferings" of the *rich* female delinquents, and passing over in silence what comes immediately after, namely, the *mercy* shewn to the *poor* female delinquents, has the impudence to declare, many pages after, and in *Section Sixth* of that chapter,—after there giving us his calumnious romance of the drowning,—"since I wrote what is above, I find what follows,"—namely, the record of the *Reprieve !* But had he not found it when he found the immediately preceding order to incarcerate the Lady Colville, to which he refers with such convenient brevity in *Section Fourth ?*

Digitized by Google

Must we believe that only *eleven days* after the date of this merciful deliverance at Edinburgh, the tragedy occurred at Wigton, as described by Wodrow and Lord Macaulay? Are we to suppose, that, so bent on martyrdom were these females, as to insist upon being drowned in terms of their alleged unjust condemnation, even before tidings of the royal acquiescence in the Privy Council's reprieve, and recommendation for pardon, could return from London? This could hardly be; for such reprieves and pardons were wont to proceed upon *petitions for mercy* given in to the Privy Council by the condemned, or by friends for them. Or is this the theory, that these poor creatures having petitioned for mercy, and obtained it, not only from the highest nobility of the land, with the Lord High Commissioner at their head, but from the highest officials of *the law*, and of the *executive*,—the Lord President of Session, the Lord Justice-Clerk, and the Lord Advocate himself,—were contumaciously carried to their watery doom, by the Provost of Wigton, Sheriff-Depute David Graham, and Major Winram, and all to pleasure that ogre, the laird of Lagg, with a day's duck-hunting in the tide of the Blednoch?[1] But there can be no question that *old* Margaret had actually cried *peccavi*, and given in a petition to the Privy Council; for here it is:—

[1] Peter the pedlar, whose command of the English language in recording martyrdoms has been much admired, after giving his version of the drowning scene, adds: "All this cruelty was acted by *Sir Robert Grierson of Lagg* (who stirred up others to assist him), a great Persecutor, a great Swearer, a great Whorer, Blasphemer, Drunkard, Liar, and Cheat, *and yet out of Hell*." This last expression, we presume, is this scoundrel's mode of saying that Lagg was yet alive. He lived till 1733. Now, as the pedlar commences his own peculiar version (printed anonymously in 1727) of the drowning of these women, by admitting it to be a story "which some deny to be matter of fact," this must mean that Sir Robert himself had never admitted the truth of the story; for if he admitted it, that would have settled the question. Then the fanatical story is, that, even under *Lagg's administration*, every exertion was made to induce Margaret Wilson to accept of a reprieve, on the easy terms of the abjuration oath. But how can this be reconciled with the fact, that she had already obtained a reprieve from the Privy Council, just ten days before this scene, and, doubtless, upon those very terms? Of course, the chapman's tract, in which Sir Robert Grierson is so horribly abused, would be considered beneath his notice, if he ever saw it.

Digitized by Google

"*Unto his Grace, my Lord High Commissioner, and remanent Lords of his Majesty's most Honourable Privy Council,—The humble Supplication of Margaret Lauchlison, now prisoner in the Tolbooth of Wigton.*

"SHEWETH: That, whereas I being justly condemned to die by the Lords Commissioners of his Majesty's most Honourable Privy Council and Justiciary, in a court held at Wigton, the 13th day of April *instant*, for my not disowning that traitorous Apologetical Declaration lately affixed at several parish churches within this kingdom, and my refusing the oath of *abjuration of the same*, which was occasioned by my not perusing the same; and now I having considered the said Declaration, do acknowledge the same to be traitorous, and tends to nothing but rebellion and sedition, and to be quite contrary unto the written word of God, and am content to abjure the same with my whole heart. May it therefore please your Grace, and remanent Lords, as said is, to take my case to your serious consideration, being *about the age of threescore ten years*, and to take pity and compassion on me, and recall the foresaid sentence so justly pronounced against me, and to grant warrant to any your Grace thinks fit to administer the oath of abjuration to me, and, upon my taking of it, to order my liberation; and your supplicant shall live hereafter a good and faithful subject in time coming, and shall frequent the ordinances, and live regularly, and give what other obedience your Grace, and remanent Lords, shall prescribe thereanent, and your petitioner shall ever pray."

Then follows a testing clause written in latin, wherein William Moir, notary-public, declares that he had written the above petition at the requisition of the petitioner herself, she having declared that she could not write; and the whole is witnessed by "W. Dunbar," and "Will. Gordoun." There is no date attached to the petition; but as it refers to her trial at Wigton, on the 13th day of April *instant*, and as the recorded reprieve bears date the last day of April 1685, the petition for mercy must have been written between the 13th and 30th of that month, and that year.[1]

[1] *Original*, among some loose warrants of Privy Council, preserved in the Register House, Edinburgh. From this petition it appears that the petitioner had been tried by the high commission at Wigton, 13th April 1685. Wodrow's story is, that

Digitized by Google

That the reprieve we have quoted is that which had followed upon this petition, there can be no rational doubt; and it is no less certain, that the mercy, which we find was, in point of fact, also extended to Margaret Wilson, had proceeded in like manner upon a petition presented for her, although the document itself has not been discovered.[1] And surely we may at

the three females were tried in *May*, and condemned to die on "the 11th *instant*." Not one of the fanatical records of the story gives the date of the trial; just because they were all written in ignorance of the real facts. If tried on the 13th of April, how came the execution to be postponed a whole month? This, too, is remarkable, that the Privy Council, in the *reprieve*, dated on the last day of April, discharges the Magistrates of *Edinburgh*, and not of *Wigton*, "for putting of the said sentence into execution." This looks as if the condemned had been transmitted to Edinburgh (after petitioning), to be dealt with there; which seems more probable than a clerical mistake in the Register of Privy Council. Wodrow, doubtless, was staggered by the circumstance; and has very conveniently *omitted* that statement, in quoting the reprieve. But in a fanatical compilation, entitled, "The Ladies of the Covenant," published under the auspices of "The Rev. James Anderson," in 1851, the reprieve and corresponding petition are both quoted from the Register, and warrants of the Privy Council, with this exception, that the word "*Wigton*" is silently substituted by the Rev. Mr Anderson for "*Edinburgh*," although the latter is perfectly distinct in the Privy Council record. This extraordinary liberty is actually taken without a word of explanation! Of course, this reverend author could not afford to part with the tragedy of these two "Ladies of the Covenant"; so he only quotes the petition, and consequent reprieve, in order to enhance the *cruelty of the execution*, which he holds to be a fact proved beyond question! "It seems,"—he concludes, following the cue of Wodrow,—"*highly probable*, that *our two martyrs* were, by the *brutality of their judges*, and the Magistrates of Wigton, executed *without orders* from the Government."—*The Ladies of the Covenant*, p. 441.

[1] The *petition* for Margaret Lauchlison is preserved among some loose sheets of Privy Council warrants, &c., in the Register House. This collection of documents is fragmentary, and their preservation accidental. That no petition for *Margaret Wilson* is discovered, can therefore found no argument that she had not petitioned. Indeed, the fact of her *reprieve* along with the female whose petition is extant, seems conclusive as to her having petitioned in like manner. The Lords Justices for Wigtonshire, under the royal commission of date 27th March 1685, were, Viscount Kenmure, Sir Robert Grierson of Lagg, Sir David Dunbar of Baldoon, Sir Godfrey M'Culloch of Mireton, and Mr David Graham, Sheriff of Galloway; and these were all ordained, by the royal commission, to concur with Colonel Douglas, brother to Queensberry, Lord High Commissioner. These are the "*brutal Judges*" assumed to have *murdered* these poor women. Could Lagg take such a matter into his own hands? On the contrary, these royal commissioners were bound continually to report proceedings to the Privy Council, the *animus* of which was temperate and merciful, even under high provocation. Of date 29th May 1685 (shortly after the alleged drowning of the reprieved), there appears in the Register, a letter, addressed by the Privy Council to *Viscount Kenmure and Grierson of Lagg*, as lead-

Digitized by Google

once arrive at the conclusion, notwithstanding the authority of Wodrow, and the reverend author of "The Ladies of the Covenant," that, as for *Agnes Wilson*, the child of *thirteen*, since she was not reprieved, she *had not been condemned.*

And now, gentle readers, and more especially,—

> "Ye Ladies of the Covenant, who live at home at ease,
> And feed on female martyrdoms, preserv'd in *Macaulese*,"—

bear with us yet awhile, and forgive our presumption if we endeavour to throw a little more light upon this most mysterious of martyrdoms.

Martyrologies, and *martyrological epitaphs*, were little known or cared for in Scotland, even at the time when good King Glencoe may be said to have commenced his reign of humanity in Scotland upon the death of "Bloody Clavers" in 1689. Not until that great man, Wodrow, arose, was the Saintdom of Scotland properly recorded. He himself belonged to a family of martyrs. His father, the reverend James Wodrow, was, as their biographer tells us, "obnoxious to a tyrannical Government," and, indeed, seems only to have missed the crown of martyrdom by hiding himself under a servant's bonnet, in order to escape the ceremony of coronation.[1] But "John Wodrow, merchant in Glasgow," paternal uncle of the great martyrologist, sustained the exalted reputation of the family. He was hanged on the 22d of December 1666, for worshipping God after his own fashion, in arms against the State, at Pentland. Speaking of him and his companions on the scaffold, Wodrow (the nephew) tells us: "The most of them were illiterate persons, of very common education, and yet, in their dying speeches, they discover a greatness of soul, much piety, and *good sense.*" All these qualities may be doubted. However, "their friends," adds Wodrow, "who knew them before, could not but remark, it was *given them*

ing commissioners for Wigton and the Stewartry, empowering them to seize the horses and arms of suspected persons, &c., "and *to report frequent accounts* of your diligence, and of the condition of the place"; and this postscript is added: "*The Council doubt not but upon this occasion you will take care that honest men, and their tenants, meet with as little trouble as possible.*" This in the "killing year"! Such entries as these will never be found quoted in Wodrow.

[1] See before, vol. i. p. 56.

Digitized by Google

what and how to speak in that hour. John Wodrow, merchant in Glasgow, in his *testimony*, and letter to his wife, was observed to go far beyond one of his education and circumstances; and his *very style* was noticed to be much above what it was formerly known to be."[1] One is surprised that, in twice mentioning this apotheosis of his father's brother, the martyrologist should merely refer to him as, "John Wodrow, merchant in Glasgow." Was it shame? Against any such imputation of human weakness, Wodrow's own biographer, Dr Burns, comes to the rescue, in this valuable note: "This John Wodrow, I find, from a MS. history of the family now in my hands, was *uncle to the historian*, though *his native modesty* has prevented him[2] from taking any notice of the circumstance."

With such incentives to the task, Wodrow, early in the eighteenth century, undertook to collect and illustrate the "Sufferings of the Kirk." His great object was to abuse and malign the Governments which had hanged his uncle, and would have hanged his father. *Hinc illæ lacrymæ.* In any proper historical view of the subject, he was utterly incompetent for such an undertaking. Not only had he no grasp of mind, but he was destitute of common sense, and of every other quality of an enlightened mind. Moreover, he was marvellously ignorant of the very history he was about to deal with. Even the idea of collecting the calumnies against the anti-covenanting governments, and all their adherents, and entitling such rubbish the "Sufferings of the Kirk," and of "God's People," was not his own, but had been pretty fully exemplified in some of the anonymous tracts issued by Alexander Shields, and other fanatical pamphleteers of the day. After the Revolution, this mode of promulgating their veno-

[1] This may be accounted for without a miracle. It was "given them" by the preachers who attended them. And as for the *style*, it is just that of the stereotyped covenanting gallows-testimonies, a mixture of malignant railing against authority, and impious assumption of transcendental sanctity, evidently the emanations of the low minds and intellects of the conventicle preachers.

[2] That is, Wodrow the nephew. See his History, vol. ii. p. 58, and *note*. Biographical devotion could scarcely go further than to impute to "native modesty" the fact of Wodrow having avoided recording that the John Wodrow who was hanged was his own uncle.

Digitized by Google

mous falsehoods, and causing them to enter the vulgar mind, and even political history, was caught up by the tribunals of the Kirk in Scotland, immediately before Wodrow commenced his labours. This, indeed, was his great encouragement to the undertaking. The original process of collection was extremely ingenious, and certain of success. Starting with the postulate, as a grand incontrovertible truth, that the episcopal governments had followed one undeviating course and progress of injustice, oppression, and cruelty, opposed to patriotic integrity, Christian sanctity, and rural innocence, every statement or story was at once received, and adopted for truth, whatever the source, if only it were sufficiently defamatory to illustrate with effect the great mother calumny.[1] Accordingly, the ladle was sent round all the "suffering" parishes, by order of the tribunals of the Kirk, demanding this species of contribution, chiefly from old men and women. But all were expected, under the Orange Revolution, to contribute a suffering, however small, to this grand *Commination* of the governments of the *Restoration*. The head collector, or at least receiver general, was the minister of the parish. What old mumper could resist the minister? Out of blindness, deafness, doitedness, crabbedness, and coughing, he extracted (inspired by zeal in the cause) whatever he wanted, and cooked it as he pleased. If ever there was a device better suited than another for promoting a system of monstrous lying, it was

[1] Writing to a fanatical friend on the 26th of September 1713, Wodrow says: "Nothing is come to me, or to the Principal (Carstairs) before his going to Court, anent *The Sufferings*: If any thing be come to your hand, I'll be glad to know. I wish you would entertain thoughts of giving some beginning to some account of this nature: For me, I can fall on no shape, and *have not so much as a thread of these times in my head*." And yet, in little more than *three months* after this confession of his utter unfitness for such a task, we find him fairly embarked on his calumnious adventure. But the task was rendered comparatively easy to Wodrow by the fact, that deep or fair research, perfect accuracy, impartial truth, and sound reflection, were elements altogether foreign to his scheme. He says, in another letter to a correspondent, dated 21st June 1715: "Before you left this country, we were, in our Synods and Assemblies, once or twice a-year, talking of *Collections* for a history of the Sufferings of this Church under Prelacy. *I was pitched upon in our Synod to receive them*; and a *very few accounts came to my hand*," &c. See before, vol. i. p. 99, for an instance of Wodrow's gross ignorance of the most prominent events in the history of the Troubles.

Digitized by Google

this universal and hasty raking of all the common sewers of fanaticism, for the discovery of this unknown quantity of "sufferings." We must limit our illustrations of the *modus operandi* to the instances of two neighbouring parishes,—the one being the parish of *old* Margaret Lauchlison, and the other the parish of *dear* Margaret Wilson, *Kirkinner* and *Penninghame* to-wit, both in the county of Wigton.

In the original Session-book of the parish of Kirkinner, we find the following instructive announcement:—

"January 15, 1710: There being a *general design through the nation* to have a history of the late sufferings of the *People of God*, and every Session within this national Church being *desired* to get well attested informations of the *godly's sufferings* within their bounds, which each Session is to record, extract, and carry in the extract to the Presbytery; it's recommended to each member to *gather* and *prepare* their best informations of these things *against our next. Sederunt closed with prayer.*"

The next entry on the subject is just twenty-one days thereafter:—

"February 5, 1710: An account of the sufferings of *honest people* in this paroch was given in and read: if there be *any thing to add*, the several members are to inform themselves, and then all is to be recorded together, that the Presbytery may have an attested extract of all."

The result of this fishing for sufferings, however, does not appear until more than a whole twelvemonth after the above notices, when we find,—

"April 15, 1711: The minister gave in the account of the sufferings of *honest godly people* in the *late times*, which was read, and is as follows:—[1]

[1] Having examined the Kirkinner register very particularly, we can affirm that there is no mistake as to dates. January 15, 1710, is the date of the first recommendation "to *gather* and *prepare* information of the godly's sufferings;" and this to be done "against our next." The next sederunt of the Session is "February 5, 1710;" when "an account of the sufferings of honest persons in this paroch is *given in and read*," but nothing of it is then *recorded*, the order being for a *renewed search*. The sederunts of the register for this year run on to the last, held "November 27, 1710." Then come the sederunts of date January 14, February 15, March 8, of the

Digitized by Google

"*Margaret Lauchlison*, of known integrity and piety from her youth, aged about 80, widow of John Milliken, wright in Drumgargan, was, *in or about* the year of God 1685, in her own house taken off her knees in prayer, and carried immediately to prison, and from one prison to another, and without the benefit of *light to read the Scriptures*, was barbarously treated *by dragoons*, who were sent to carry her from Machirmore to Wigton, and being sentenced by *Sir Robert Grier of Lagg* to be drowned at a stake within the flood-mark, just below the town of Wigton, for *conventicle keeping* and *alleged rebellion*, was, according to the said sentence, fixed to the stake till the tide made, and held down within the water by one of the town-officers, by his halbert at her throat, till she died."

This is all that the minister of Kirkinner could collect about Saint Margaret the elder, between the dates January 15, 1710, and April 15, 1711. Nor had her epitaph graced as yet the church-yard of Wigton. For when, in 1714, those epitaphs were first published in the "Cloud of Witnesses," we are there presented with one,—"Upon a stone in the church-yard of Wigtoun, on the body of *Margaret Wilson*, who was drowned in the water of Blednoch upon the 11th of May 1684, by the laird of Lagg,"—being a twelvemonth *prior* to her *reprieve* by the Privy Council,—but in that record we find no epitaph on Margaret Lauchlison.[1]

The first remarkable circumstance in this version of martyrdom so highly dramatic is, that the whole *dramatis personæ* here recorded are the aged sufferer, and the town-officer with his halbert! We find, indeed, on looking over the rest of the

following year 1711. The next sederunt is "April 15, 1711," when the *gathered* and *prepared* sufferings are for the first time *recorded*; and the leading suffering is that of "Margaret Lauchlison," as given in our text. So it took from January 15, 1710, to April 15, 1711, to prepare any record of this famous Wigtonshire martyrdom; and when it does appear in the *Kirkinner* register, it is given simply in the words quoted in our text, and without an allusion to "dear Margaret Wilson."

[1] That very rude and vile compilation called "The Cloud of Witnesses," which was not published until three years after the date of these Session records, refers this famous martyrdom to the year 1684, without giving any authority for so contradicting the parish gatherings. If this be a *misprint*, it is a *double* one. It occurs in every edition of "The Cloud," both in the *narrative*, and attached to Margaret Wilson's *epitaph* in the *appendix*. That it is wrong, whether the women were drowned or not, there can be no question; for the *reprieve* proves them to have been alive in 1685.

Digitized by Google

rubbish which this minister had gathered in fulfilment of his mission, that this old female had *not* been solitary in her persecution; for a few items after her story (the largest fish in the Kirkinner minister's creel), we find this instance of the "sufferings of God's people,"—"William Karr in Borland, *anno* 1685, was *imprisoned with* the said Margaret Lauchlison, and *made his escape.*" But what has become of Lord Macaulay's "maiden of eighteen"? Are we to believe that the minister of Kirkinner was so unskilful a fisher of martyrs as not to have raised that dainty personage at all? Or that, having recovered her also, he was stupidly silent on that head, because the maiden had not been of his parish? This will hardly do; for, on turning to the register of *Penninghame*, we shall find both duly recorded as suffering together, a beautiful *unum quid* in this Presbyterian martyrology.

Another circumstance is very observable, from the Session register we have quoted. The minister, and *all his informants* (whoever those nameless witnesses were), appear to have been *utterly ignorant* of the old woman's history or antecedents! There is not a hint of her petition to the Privy Council, or the reprieve which followed thereon in the month of April 1685, a few days before her alleged martyrdom at Wigton. That petition and that reprieve, are yet extant in the Register House of Edinburgh, to speak for themselves; and the most charitable conclusion on the subject of this minister's gatherings, and "preparation," at which we can arrive is, that he and his informants were, in 1711, as ignorant of the actual history of this old woman as Wodrow afterwards confessed himself to be.

It was highly satisfactory, however, to the Session of Kirkinner, and doubtless to the Presbytery also. No precise record of the facts was specifically referred to. A certificate from no informant was given in. No formal precognition was recorded, or pretended to have been taken. But the whole was attested, and made history for ever, by the *imprimatur* of these inspired apostles of the "Suffering People of God," as follows:—

"The which particulars aforesaid being read, they, *partly* from *credible information*, *partly* from their own *personal knowledge*, do *believe* the said informations to be matter of fact, and appoint the same to be

Digitized by Google

recorded in their Session-book, *ad futuram rei memoriam;* and the clerk is to give extract to the Presbytery of Wigtoun, according to appointment. *Sederunt closed with prayer.*" [1]

Wodrow makes no reference to the Session-book of Kirkinner, or to its minister. *Causa patet.* But he tells us :— " I shall mostly give my narrative of it" (the martyrdom in question), " from *an account* I have from the fore-mentioned Mr Rowan, *now with the Lord*, late minister of *Penninghame*, where Margaret Wilson lived, who was at pains to have its circumstances fully vouched by witnesses, *whose attestations are in my hands.*"[2] This jesuitical mode of stating his authorities, extremely characteristic of Wodrow, means no more than this, that he had obtained an extract, certified by Mr Rowan, acting as clerk, from the Session-book of *Penninghame*, of precisely the same kind and character as that which we have quoted from *Kirkinner*, except that, in Mr Rowan's hands, the melo-dramatic tragedy had become fully developed in all its martyrological glory. Among Wodrow's voluminous manuscripts, we have succeeded in discovering (not without difficulty) the *certified extract*, which he had transferred, nearly *verbatim*, to his own pages, and which was destined to the yet greater glory of being adopted by Lord Macaulay. That Session-book, too, contains the notable information :—

" Feb. 15, 1711.—The General Assembly, and their Commission, having recommended it to Presbyteries, to cause an exact account of the sufferings of people in every paroch, for their adherence to the *covenanted* work of reformation, in opposition to the late *Erastian Prelacy*, to be collected by Sessions, with the best documents and attestation of them that can be had by the respective Sessions, and the Presbytery having frequently recommended the same,—the minister pre-

[1] Original Session-book of Kirkinner, lately transmitted to the Register House, Edinburgh, where all such records ought to be.

[2] There are no *attestations by witnesses*, that we have been able to discover, in Wodrow's collections. He gives none in his history. No such attestations are recorded in either of the Session-books. The Session only vouchsafe to give *their own* attestations, in the general and most unsatisfactory form quoted in our text. And we have no doubt that this is all that Wodrow's equivocal and disingenuous phrase, " *whose attestations* are in my hands," relates to.

Digitized by Google

sented a collection of the *sufferings* given up to him by *the persons best acquainted with them*,[1] which being read, the Session informs of several *material things that are wanting*,[2] and orders them to be insert and presented."

It would appear that, upon this occasion, the minister had been sent to *try again*, and that accordingly he had produced a second batch, which was added to the former:—

"25th February 1711.—The particulars that *were wanting*, in the account of the sufferings of people under the late Prelacy, *being insert in the former account, all* was produced and read: The tenor whereof follows."[3]

And now, *for the first time*, we have the *double* martyrdom of the Saints Margaret, old and young, developed in the manner, and with all the domestic and martyrological details, which we find repeated *verbatim* in Wodrow, with just such additional flourishes of his own as suffice to sustain his reputation for improving upon a martyrological lie. Reserving for our Appendix whatever more we may find it necessary to print illustrative of a calumnious romance which has imposed upon history since Wodrow published it in 1722,—we may here quote the *Penninghame* version of the *death scene*.

"Upon the 11th day of May, 1685,[4] these *two women*, Margaret

[1] Who are not named.

[2] Which are not named.

[3] It is remarkable that the *more meagre* Kirkinner version of the martyrdom is of date about *two months later* than the Penninghame version, in which the *young* saint comes out so brilliantly, and indeed as the heroine of the tragedy. Perhaps Kirkinner was jealous of Penninghame, and determined to have the martyrdom all to themselves. In a fanatical history of Galloway, published in 1841, in which of course the female martyrs of the Solway cut a great figure, the author gives a partial extract from the Session-book of *Penninghame*, which he thus prefaces: "We extract the following from the Minutes of the Kirk-session of Penninghame, *dated* 1685." But the date is 1711! Thus do these fanatical writers catch the unwary. This gave the world to understand that a *contemporary record* of the martyrdom was extant in the parish!

[4] Observe that the *Kirkinner* Session record, *more recent* than the *Penninghame*, gives the date doubtfully,—"in or about the year 1685,"—while the "Cloud of Witnesses" (as printed at least) places the event in the year 1684!

Digitized by Google

M'Lachlan and Margaret Wilson, were brought forth to execution: They put the old woman first into the water, and when the water was overflowing her, they asked Margaret Wilson what she thought of her, in that case? She answered, 'What do I see but Christ wrestling there; think ye that we are the sufferers? No, it is Christ in us, for he sends none a warfare on their own charges.' Margaret Wilson sang Psalm 25th, from the 7th verse, read the 8th chapter of the Epistle to the Romans, prayed, and then the water covered her. But, before her breath was quite gone, they pulled her up, and held her till she could speak, and then asked her if she would pray for the King? She answered, 'That *she wished the salvation of all, but the damnation of none.*' Some of her *relations* on the place, cried out, '*She was willing to conform!*' they being desirous to save her life at any rate.[1] Upon which Major Winram offered the oath of abjuration to her, either to swear it, or return to the water. She refused it, saying, '*I will not; I am one of Christ's children; let me go:*' And then they returned her into the water, where she finished her warfare; being a virgin martyr of eighteen years of age, suffering death for her refusing to swear the oath of abjuration, and *hear the curats.*"

Let it be borne in mind, that these very particular details,—*the verse* of the psalm, *the chapter* of the Bible, the impressive dialogue, the precise scriptural phraseology,—were all gathered, for the first time, from *oral* evidence (un-named by the reverend reporter and *preparer*), in the year 1711, *twenty-six years after* that drowning scene is said to have occurred! And how was all this *vouched* in Penninghame, under the

[1] Had they never heard of the old woman's petition to the Privy Council, and of the subsequent reprieve, in which Margaret Wilson was included? These "relations" were either aware of the fact, or *not* aware of the fact. If aware of the fact, could that not have been a plea "to save her life at any rate"? And how came it that, amid all this *loquacity* at the tragic scene, there was no talk about the *reprieve*? The supposition, on the other hand, that the "relations," and all engaged at that scene, knew nothing about the petition and reprieve, is utterly inconsistent with the story recorded in Penninghame Session-book. It is there said that the father of these girls, the Wilsons, was *reduced to poverty* by the expense of attending to the government prosecution of his daughters, "and in riding to Edinburgh *on these accounts.*" Now, this was for the very purpose of saving his daughter's life; and the reprieve stands on the Register of the Privy Council of date last day of April 1685. With a father riding for the life of his daughter, could there be such ignorance of the reprieve, at Wigton, on the 11th of May thereafter, that it is not even alluded to at the scene of the sacrifice, by the "relations" of the innocent victim who were so anxious to save the girl's life?

Digitized by Google

auspices of the reverend Robert Rowan? The record of the "sufferings at Penninghame Parish," ends with this utterly useless attestation:—

"The above particulars,"—meaning *the whole* of the minister's gatherings as recorded,—"being read in the Session of Penigham, the twenty-fifth day of February 1711 years, are *attested* to be true by personal knowledge of *many of them*, and by incontestible information of *the rest*, except the particulars relative to Gilbert Milroy, after he was taken from Scotland, the truth whereof they judge there is no ground to doubt.

"Extracted by Ro^r. Rowan, *Clk. p. t.*"[1]

But these sanctified Sessions were all too hurried in closing their records, merely because Mas Robert Wodrow was longing to publish. They ought to have sent their fishers of martyrs to lash the waters of fanaticism again and again. The source of their information was a stream that never runs dry. For that matter, it is brimming yet. The solitary old woman of Kirkinner, with that single town-officer holding her down with his halbert, is a mere *kelt* compared to what a cast or two

[1] Wodrow's MS. Collections, vol. xxix. *octavo*, No. 21. This precious record is entitled, "A Brief Information of the sufferings of people (which are most remarkable) in the Paroch of Penigham, within the shire of Wigtoun, upon the account of their adherence to the Reformation of the Church of Scotland, and refusing to conform with Prelacy; with the occasions of their trouble, especially from the year 1679 to 1689." This was printed at Newton-Stewart, 1826, under the title, "Extract from the Session-Book of the Parish of Penninghame." That pamphlet has become very scarce; but Mr Douglas, of the firm of Edmonstone and Douglas, booksellers, Edinburgh, kindly favoured us with the use of it, for comparison with Mr Rowan's *Extract*. They are verbatim the same, with the exception of the *Attestation*, which Mr Rowan appears to have abridged, and rendered less absurd than it shows in the *printed* extract, as follows:—"The Session having considered all the above particulars, and having *certain knowledge* of the truth of *the most part* of them [which part?] from *their own sufferings*, and eye-witnesses [who?] of the foresaid sufferings, [which of the sufferings?] of others, which several of the Session declares, and from certain information of others, in the very time and place they were acted in, and many living [who?] that have all these things fresh in their memory,—except of these things concerning Gilbert Milroy, the truth whereof they think there is no ground to doubt of,—they *do attest* the same, and orders an extract to be given in their name to the Presbytery, to transmit to superior judicatories. *Sederunt closed with prayer.*"

Digitized by Google

more might have caught for the martyrological basket. The excellent collector of our "Domestic Annals," had himself thrown a dexterous cast in that direction, and caught *new facts*, and *additional dialogue*, fresh from the Solway. In his Picture of Scotland, Mr Robert Chambers tell us: "One of the most active persons at the execution was, it seems, the town-officer of Wigton, who, when *the girls* were raised out of the water, and refused to save their lives by the simple expression above mentioned, took his halbert, and pressing *them* down again into the water, exclaimed, with savage glee,—'*Then, tak another drink, my hearties:*' Heaven, for this is said to have afflicted him with an intolerable and unquenchable thirst, insomuch that he never after durst venture abroad without carrying along with him an *enormous jar full of water*, wherewithal to gratify his unnatural appetite. As he crawled about, with this singular load, people used to pass him by with *silent horror;* for though this misfortune might have been the result of disease, it was, in that superstitious age, universally believed to be the manifestation of Divine vengeance." Mayhap he was a poor water-carrier, who had once carried a town halbert, and passengers were shy of his moist company? It would have been more to the purpose of retribution, however, had his fate been that of the Ancient Mariner,—"Water, water every where, and not a drop to drink." But we fully acquit Mr Chambers of believing this. He calls it "a *strange* and *ridiculous* story;" for which scepticism indeed, he is thus solemnly taken to task by doubtless a profound theologian, "the Reverend James Anderson," author of "The Ladies of the Covenant:"—"The assertion of this popular writer (Robert Chambers), that it was *superstitious* to regard the calamity which befel this man,—on the *supposition* that the story is true,—as the manifestation of Divine vengeance, since it *might* have been the result of disease, is *most certainly unsound in theology.*"

Another collector, or fisher in the waters of the Blednoch, has landed this: "It is popularly *believed* in the district, that the descendants of the officer,"—the same ill-fated knight of the halbert and the water-butt,—"had a malformation of their hands and feet through the course of *many generations*, as a

Digitized by Google

punishment for the act."[1] And what next? Probably were this presbyterial search prosecuted with sufficient activity, it would be discovered that the descendants of Lagg carry forked tails, and that cloven feet carry them. But these awful traditions about the town-officer lead to a separate enquiry.

The Provost of Wigton, in the year 1685, was William Coltran of Drummorral. If his own town-officer figured so prominently in this sad tragedy, it must be inferred that the Provost was the presiding genius at the execution. And not only is that fact traditionally asserted, but it is perfectly intelligible, upon the assumption that the women, after sentence passed upon them by the High Commission of Justiciary at Wigton, had been left for execution there. Wodrow tells us in his best manner,—"These two young sisters (the Wilsons), after *many* methods were taken to *corrupt them*, and make them swear the oath now imposed, which they steadily refused, were brought to their *trial* before the Laird of Lagg; Colonel David Graham, Sheriff; Major Windram; Captain Strachan; and *Provost Cultrain;* who gave all the three an indictment for rebellion." Now, as the Provost was not one of the Justiciary Commissioners, he could not have been one of their Judges.[2] Waiving that slip, however, did he super-

[1] The History of Galloway from the earliest period to the present time, printed at Kirkcudbright, 1841, vol. ii. p. 274. This cannot have been merely a contemporary legend; as, according to our author, the observation of this hereditary "malformation," has continued after "many generations," since 1685.

[2] As mentioned in the previous note (p. 81), the Lords Justices who composed the Royal Commission of date 27th March 1685, under which the two women were tried at Wigton, on the 13th of April following, were the Hon. Colonel Douglas (Queensberry's brother), at the head of the Commission, Viscount Kenmure, Grierson of Lagg, Dunbar of Baldoon, M'Culloch of Mireton, and David Graham (Claverhouse's brother), Sheriff of Galloway. However severe might be the measures taken at this time against the conventicle rebellion, it must not be supposed that there was any disorganization of the judicial or executive functions, or any latitude whatever permitted to individuals to exercise their caprice, or personal feelings, against State delinquents. The Royal Commission of 27th March 1685, was declared "to endure in full force, until the twentieth day of April next, unless the same be further prolonged, or recalled." There can be no doubt, therefore, as to the tribunal before which old Margaret Lauchlison was condemned on the 13th April 1685, as stated in her petition. But how can it be explained that (according to the fanatical romance), the 11th of May, a date beyond the endurance of that Commission, was named for her execution. Instead of being prolonged, it was super-

Digitized by Google

intend their execution, and direct the movements of that terrible town-halbert, part of the insignia of his own municipal power and dignity? And if so, did no retributive judgment, by quenchless thirst, or deformed re-production, fall upon the murderous chief magistrate? This question Wodrow himself illustrated in the year 1718, by some vastly intelligent inquiries, and researches, which he had then instituted, still on the subject of the Saints of the Solway. And, indeed, it seems not a little remarkable that, while the kirk-sessions of Kirkinner and Penninghame professed, in 1711, to have completed their researches on the subject, and to have gathered from authorities, and upon vouchers, as unquestionable as unproduced and nameless authorities and vouchers can be, all those minute and interesting particulars which have been embalmed in the pages of Wodrow and Macaulay, it should still have remained for Wodrow himself, so long afterwards as 1718, to make new *oral* discoveries on the subject, and perhaps the most striking of all. The martyrologist, through one of his numerous clerical correspondents, had learnt, late in the year 1717, that one Elizabeth Milliken, said to be a daughter of the *old* saint Margaret Lauchlison, was still living in the parish of Kirkinner, herself now aged, poor, and decrepit. Moreover, that, in the year 1708, this old woman had *dreamed a dream*, which the collectors of sufferings in that parish, in 1711, had failed to bag, but which was very germain to the matter of the Solway martyrdom, and brought Heaven itself to witness against Provost Coltran. Wodrow, the keenest nose in Scotland for a kirk miracle, quests it out forthwith. He puts himself into communication with the then minister

seded by another Royal Commission, dated the 21st day of April 1685, in favour of "General-Lieutenant Drummond, Master-General of our Ordnance," which was to endure "until the first day of June next." And this new Commission concludes with the declaration,—"And further, we hereby declare all *former commissions* granted by us or our Privy Council, for *trying or punishing* the said crimes in the country, either to *noblemen, gentlemen*, or *officers of our army*, to be *void and extinct*." Who then were "the people at Wigton," (to whom Wodrow is constrained to impute the crime), who took upon them to *execute* these women (who were tried on the 13th April, and reprieved on the 30th), upon the 11th of May 1685? Would Sir Robert Grierson of Lagg, whose jurisdiction, either for "trying or *punishing*," was declared "void and extinct," on the 21st of April, have done so? These Royal Commissions are all recorded in the books of the Privy Council.

Digitized by Google

of Kirkinner, one Mr William Campbell, and is in due time refreshed with the following reply, dated 11th April 1718:—

"R. D. B.[1]—I'm particularly refreshed to understand from Mr Miller, that you'r weel. In compliance with your desire anent Elizabeth Milliken's dream, know that I went and discoursed her this day, in order to give you the genuine account of it. The said Elizabeth dreamed, some *weeks* or *months* before the Quarter-Sessions that met in November 1708, that her mother, Margaret Lachlison, came to her at the Cross of Wigtoun, with *garb*, *gesture*, and *countenance*, that she had five minutes before she was drowned in Blednoch, and said to her,—'*Elizabeth, go and warn Provost Coltran that he must shortly compear before the tribunal of the great God to answer for his ways;*' and immediately her sleep was broken; and it made such an impression upon her that she resolved, for her own exoneration, and the Provost's edification, prudently and meekly to communicate the said dream to the said William Coltran of Drummorral, with the first convenience; but not finding or expecting that, she told the dream to Bailie Lafries, Drummorral's friend, being married to Lady Drummorral's sister, a man of age, gravity, and experience, and an elder in Wigtoun, and solemnly desired and engaged him to signify the said dream to the said Drummorral; and she doubted not but the said Bailie Lafries did tell the said Drummorral. And accordingly, in the beginning of November 1708, he rode from Wigtoun to the Quarter-Session of the Justices of the Shire, that met that time at Stranraer, and there, on the Wednesday, at the court-table, was suddenly struck with a lethargy, was carried to his quarters, and continued speechless till Saturday the 8th of November, and then died."

This interesting and important communication had induced Wodrow to put some more questions, but the rejoinder from his friend, dated Kirkinner, May 14, 1718, was not so satisfactory. The Reverend William Campbell then writes:—

"R. D. B.—Next morning after I was favoured with yours, I discoursed Elizabeth Milliken, but she cannot give you further satisfaction as to the circumstances of that dream; only she dreamed it in her own bed, in the town of Barnbarroch; and, *all the relations of Provost Coltran, and Bailie Lafries, deny they know any thing of the Bailie's informing the Provost, or the Provost's answer.*"[2]

[1] Reverend and Dear Brother.

[2] MS. Letters to Wodrow, preserved in the Advocate's Library, vol. xix., Nos. 57 and 59. The minister of Kirkinner, in his first letter on the subject, gives this ac-

Digitized by Google

It is singular, and somewhat suspicious, that Wodrow, whom no one will accuse either of intelligent incredulity, or conscientious caution, in the adoption of such proofs, makes not the slightest use of, or allusion to the above, in his very prolix account of the execution at Wigton (denied by some in point of fact, as he *admits*), contained in his history, although that account was not published until the year 1722. Not less so is the fact, that the *collection of sufferings*, so carefully gathered by the kirk-session of Kirkinner in 1711, contains no reference to this highly illustrative story, although the minister, in 1718, claims an acquaintanceship with the heroine of it of sixteen years standing, which dates back to the year 1702. Nor have we here the slightest indication, that either this alleged daughter of old Margaret Lauchlison, or the reverend gentleman who twice precognosced her, were at all cognizant of that very important antecedent of the aged martyr, that she had petitioned the Privy Council of Scotland for her life, and had obtained it, in Edinburgh, just eleven days prior to her alleged martyrdom at Wigton. And how came it, that both the ghost and her daughter were so ignorant as not to know (what we shall immediately prove) that, of the date of the alleged martyrdom, Provost Coltran, instead of being in Wigton promoting and superintending the sacrifice, was actually at head quarters in Edinburgh; and was there also of the previous date when the reprieve, which Wodrow calls "a material pardon," was recorded in favour of the females he is said to have murdered?

These various shreds and patches of fanatical tradition and gossip (of the lowest and least trustworthy description), on the subject of this now *monumental* martyrdom, suggested the enquiry, whether, seeing that these saints were said to have

count of Elizabeth Milliken:—"The said Elizabeth is poor but pious; a widow indeed, the worthy daughter of such a martyred mother. It has pleased God lately to afflict her by a sore fall in her walking home from this church; and having a large Bible under her arm, and falling with a great deal of violence upon that side where the Bible was, it has broken some of her ribs, and disables her for business. I have been her acquaintance for sixteen years. I know she is poor and straitened, but I never heard her say she wanted any thing. If ye please, procure, and send Mr Martin, bookseller at Edinburgh, some supply."

Digitized by Google

been drowned under the malign auspices of the chief Magistrate of Wigton, the records of that burgh could throw any light upon the subject. The fortunate result has been, the disinterment from some grave of a repository (where it was rapidly falling into irremediable decay), of the tattered remains of a record of the Burgh Court of Wigton, embracing the year of the Solway tragedy. No trace of the martyrdom, or of the names of the martyrs, is to be found in the record. This, of course, proves nothing but that fact, although, on the other hand, any reference to the execution, recorded at the time, would have been conclusive as to the fate of these females. There is no entry, however, of any sederunt of the town-council, or burgh court, in the month of May 1685. On the 15th of April 1685, "John Malroy, hangman," is convened before the council, who pose him, as to "what was his reason to absent himself at this time, when there was employment for him?" This date is the second day after that on which Margaret Lauchlison and Margaret Wilson (supposing them to have been tried together), were condemned to die at Wigton; and fourteen days prior to the date of their reprieve at Edinburgh. The hangman "acknowledged he was in the wrong, and was seduced thereto, but now acknowledges that he is the town's servant, and promised to bide by his service; but alleges that he had no benefit or salary for his service, and craved to have some allowance for time coming, which he referred to the town-council at ane frequent meeting *after the Provost returned from Edinburgh;*" and in the mean the Bailies and Council appoint their treasurer to allow the hangman four shillings *Scots* daily, "during his abode in prison."

By a curious and happy chance, as the above entry gives the date of the Provost's absence in Edinburgh, there is another, which proves the time of his return to Wigton, and the precise endurance of the period of his absence:—

"Wigton, June 26. 1685: Convened, the Provost, the two Bailies, and of the Council, William Clougstoune, Adam Kyneir, Michel Shank, John Dunbar, John M'Keackan, George Kincaid, Antony M'Clure, Antony Dalyell, Adam M'Kie, Alexander Gordon, Mr James Broune, John M'Keand:

"The which day, William Coltrane, Provost, who was elected Com-

Digitized by Google

missioner to the Parliament, *having returned*,[1] has made his report as follows: viz. That he was *seventy-three days absent*, and that he gave in three rex-dollars and ane half dollar with his commission; and that he gave ane dollar to Bartholomew M'Kean for his adverting to the town's papers; which in haill extends to the sum of two hundred twenty and four pounds and fifteen shillings *Scots money*, at ane rex-dollar ilk day, conform to the former act; which sum of two hundred twenty and four pounds and fifteen shillings Scots money, the Magistrates and Council oblige them and their successors in office to content and pay to the said William Coltrane, Provost, his heirs, executors or assignees, betwixt this date and the term of Lambas next to come, so far as the treasurer shall not produce receipt thereof."

Our previous investigation had rescued at least the government of James II. from the unmitigated *commination* bestowed upon it by Wodrow and Lord Macaulay, on account of this memorable martyrdom. What we have now produced, gets Provost Coltran very handsomely out of the scrape too. He might truly have said to the ghost of old Saint Margaret, "shake not your *watery* locks at me." He was absent in Edinburgh as commissioner to the Parliament, from about the very date of the *trial* of the women at Wigton, on the 13th of April 1685, and did not return to Wigton until about six weeks *after* the date of their alleged *execution* 11th May 1685.[2] And what is of yet greater consequence to note, in regard to his alleged participation in a deed described as one of merciless and lawless barbarity, he was in Edinburgh, and doubtless in frequent consultation with Privy Councillors and the Officers of State, at the very time, 30th April 1685, when the reprieve in favour of these two female delinquents was recorded in the

[1] This does not necessarily imply that he had returned *on that day*. As he had to *report*, and to enter upon financial matters, the probability is, that he had returned a day or two before the sederunt at which he reported.

[2] If the Provost was absent for *seventy-three days prior* to 26th June, he must have been absent *at least* since the 14th day of April *inclusive*, which was the day after the condemnation of the two women at Wigton. But this calculation is upon the assumption that the Town Council held their sederunt (26th June, at which the Provost was present), and received his *report* the very day after his return, which is not likely. So, in all probability, the Provost was absent from Wigton when the women were condemned, as well as upon the alleged day of their execution. But certainly he was not on the Commission that tried them.

Digitized by Google

books of the Privy Council.[1] That he had befriended them at head-quarters, and had not acted as their deadly enemy, is the only conjecture which common sense will admit of under the circumstances. That these two women (but *not* the child of *thirteen*), were tried and condemned by the Lords Justices at Wigton, is a fact proved. That they were reprieved, and reprieved without any commutation of their sentence, by the Privy Council of Scotland in full conclave, including the highest judicial and executive authorities of the land, is a fact also proved. That the condemned were nevertheless drowned, in pursuance of their sentence, is a fact *not* proved, contrary to probability, and that which was "*denied to be matter of fact*," when Wodrow published in 1722, and again when Walker published in 1727. But, drowned or not, we now feel entitled to say, that Lord Macaulay is not justified. He does not stand justified as a historian, either in his *ad captandum* romantic record of the Christian purity, and perfect innocence, of these two females (about whom he knew nothing), who unquestionably were tried and condemned, with a jury, or in his corresponding *anathema maranatha* against the government of James II., for an alleged ruthless murder of innocents, who, whatever may have been their subsequent fate, unquestionably were reprieved from that sentence, as Wodrow himself admits, although the noble historian, who studied at his feet, has been pleased to ignore that very important fact. And as for Provost Coltran, the retributive verdict we think must now be, —*the ghost guilty of perjury.*[2]

[1] We are indebted to the kindness of Mr Macduff Rhind, Sheriff-substitute of Wigtonshire, and more particularly to that of Mr Carson, the Town-Clerk, for a personal inspection of the mouldering record by which we have been enabled to exonerate Provost Coltran, who is generally thus included in the *dramatis personæ*:

"The Laird of Lagg, Captain Strachan, Colonel Mr David Graham, and *Provost Cultron*, commanded them [the female martyrs] to receive their sentence upon their knees, which they refusing, were *pressed down by force*, till they received it; and so were, by their order, tied to a stake within the sea-mark," &c.—"*A Cloud of Witnesses.*"

"Provost Cultrain of Wigton, who was a very active instrument in her (Margaret Lauchlison's) death," &c.—*Anderson's Ladies of the Covenant.*

[2] See note in the Appendix for a summary of all the proofs that can be discovered, throwing any light upon this curious case.

Digitized by Google

3. "BY THE FRIGHTFUL TORTURE OF THE BOOT."

We here touch a sad chapter in the history of nations. Indeed of the human race. The wild beast preys, and rends. Civilized man, rends and prays. All instruments of torture are "frightful." Every system of torture, whether part of a code of laws, or a stretch of arbitrary power, is altogether detestable. It is not absolutely extinct yet in England. To present the back to the lash is no less frightful, than to present the leg to the boot. Indeed, there have been cases, and, alas! not a few, within the present century, of suffering under the lash, by soldiers and sailors, more severe, and more trying to the human constitution and nerves than any leg-crushing, or thumb-screwing, ever inflicted before the Privy Council of Scotland, unless it be that which occurred under the reign of King William. Even the fifty lashes which the law yet allows to the soldier's back are, or may be so administered that the poor culprit would willingly undergo such a squeeze of the thumbs as caused that sturdy intriguer against the Crown, Carstairs, to cry out ere he spoke out, rather than endure the lash again. Torture applied without the sanction of law, or against the law, is, of course, the acmé of human satanism. But even as regards a system of torture legalized and regulated in aid of the executive, the Christian gorge must ever rise against the abomination, and that country be deemed the happiest, the most civilized, and the most Christian, whose laws, both in spirit and letter, are most opposed to any system of the kind. But there is no argument that can be urged against one mode of inflicting torture, by lacerating the flesh, or mutilating the frame, that is not equally applicable to every variety ever adopted for the purpose of throwing the nerves of pain into violent excitement, whether it be to punish human delinquency, or to deter others by the exhibition of physical suffering, to compel the human conscience, or to control the human will. The argument of expediency, or necessity, is equally available to all systems of the kind, and ought to be equally repelled and scouted, whether the subject in question

Digitized by Google

be a rebel's leg, or a deserter's back; and the legal tribunal, a Privy Council, a Court of Justiciary, or a Court Martial.

Sinning as Scotland has been in this respect, she has certainly no reason to be ashamed of a comparison with England.[1] Lord Macaulay would fain insinuate that we are savages by comparison. "According to law, (he says), torture, the disgrace of the Roman jurisprudence, could not, in any circumstances, be inflicted on an English subject. Nevertheless, during the troubles of the fifteenth century, a rack was introduced into the Tower, and was *occasionally* used under the plea of *political* necessity. But it would be a great error to infer from such *irregularities*, that the English monarchs were, either in theory or in practice, absolute." Mildly drawn this. Small merit to England, above either Rome or Auld Reekie, for doing that *without* the law, which, if it be done at all, had best be done *within* the law. If a soldier's back must be cut to ribbons, by all means let the doctor be there, or else hang the Colonel.[2] But there was one English monarch, at least, who,

[1] "The use of the torture was common to most of the European nations: In England, during the reign of Elizabeth, it was employed with the *most wanton barbarity:* The Catholic prisoner was hardly lodged in the Tower, before he was placed on the 'rack," &c. "In 1578, Whitgift, Bishop of Worcester, and Vice-President of Wales, was ordered to employ torture to force answers from Catholics *suspected of having heard mass.*"—*Lingard's History of England*, vol. vi. p. 338, *edit.* 1849. See also *note* to the same volume, p. 688, giving a horrible description of four different instruments of torture used in the Tower in the reign of Elizabeth. An instrument called "the Scavenger's Daughter," was far more "frightful" than the clumsy, and sometimes unworkable (and so inoperative) boot used in Scotland during the Troubles. It was an iron hoop so constructed as to compress, with extreme violence, the whole human frame (and not the leg merely), causing the blood to start from the nostrils, and even from the extremity of hands and feet. Bishop Burnet, to whom a wrong statement seems always to have been more natural than a right, thus describes "the frightful torture of the boot." "They put a *pair* of *iron* boots close on the leg, and drive wedges between these and the leg: The common torture was only to drive these in the calf of the leg; but *I have been told*, they were sometimes driven upon the shin bone."—*Hist.* vol. i. p. 434. The boot, as used in Scotland, was *not* made of iron, but of staves of wood, clumsily put together. Sometimes a *thin leg* escaped suffering. The Scotch boot was a mere flea-bite compared to the *iron* embrace of the English *Scavenger's Daughter.*

[2] By the law of torture in Scotland, if the party questioned died under the infliction, the judicial administrators were considered guilty of murder, however high their rank, and were by law amenable to trial accordingly. No death under tor-

Digitized by Google

whatever may be the theory, was absolute enough in practice,—*torture* not excepted. Torture was arbitrarily inflicted by the *Officers of State* (just as in Scotland), during the reign of Queen Elizabeth. "The rack itself," says Hume, "though not admitted in the ordinary execution of justice, was frequently used, upon any suspicion, by authority of a warrant from a Secretary, or the Privy Council. Even the Council in the Marches of Wales was empowered, by their very commissions, to make use of torture whenever they thought proper." Then, in Lord Bacon's own words, he narrates how Queen Elizabeth was "mightly incensed against Haywarde, on account of a book he dedicated to Lord Essex, being a story of the first year of Henry IV., thinking it a seditious prelude to put into the peoples' heads boldness and faction. She said, she had an opinion that there was treason in it, and asked me (Bacon), if I could find any place in it that might be drawn within the case of treason?" "And another time, when the Queen could not be persuaded that it was his writing whose name was to it, but that it had some more mischievous author, and said, with great indignation, that *she would have him racked to produce his author*, I replied, 'Nay, madam, he is a Doctor, never rack his person, but rack his style," &c. Upon this occasion the authority and the tact of the great minister restrained the royal tigress from her prey; but, says Hume, "had it not been for Bacon's humanity, or rather his wit, this author, a man of letters, had been put to the rack for a most innocent performance."[1]

Torture being recognised in the Roman law, as part of the legitimate machinery of civilized government, and the law of Scotland being mainly derived from the code of Rome, the idea has obtained, that the barbarous and inhuman practice was *par excellence* the custom of Scotland, as distinguished from the sister kingdom. But the truth is, that although the savage

ture, however, occurred either in the reign of Charles II. or James II. Lord Macaulay grossly exaggerates the state of the case in Scotland, during those reigns, both as regards the frequency of the application, and the severity. The severest application appears to have been in a case ordered by King William. Of this afterwards.

[1] Hume's History of England, vol. v. p. 475.

Digitized by Google

system formed a chapter in our code, a fact greatly in favour of a less barbarous application, the use of torture in Scotland stood upon the same doubtful footing, and under the same special authority in extraordinary cases, or crises, as Hume describes the practice in England; whose annals, indeed, are far blacker and more barbarous in that respect than even the ruder land benorth the Tweed. The tottering state of the Throne of the Restoration in Scotland, and the truculent character of the blood-stained sect that assailed it; their loudly proclaimed, and widely promulgated tenets and manifestoes of rebellion; their public and brutal denunciations of the whole royal family; their systematized doctrines of murder and assassination, inculcated and urged upon the vulgar mind as a *Christian duty;* the Sovereign himself ferociously pointed to, and expressly declared to have become throneless as a Monarch, and, as a man, without the pale and protection of human laws,—by their own formal *excommunication;* and all these savage doctrines, with which the many had been poisoned by the few, ever and anon producing their natural fruits in the most cowardly assassinations;—this was the condition of affairs which impelled the Privy Council to resort, in certain cases, to the extreme terrors of their power, by the infliction of judicial torture. But the elements of social government were, at that time, in the state of chaos which the regime of the Covenant had brought about, postponing for at least a century all idea of ameliorating the criminal code. And thus it became inevitable that the regal government would exercise, during that struggle for existence, the worst instrument and last resource of compulsion, which the law allowed to the governing power. The idea, however, is as false as it is fanatical, that this deplorable activity of the extreme powers of the State came to characterise the crisis in question, *because* the nobles, and high aristocracy of Scotland, who held the reins of government, and constituted the counsels of the King, and whose arduous and dangerous duty it was to support his throne, and establish the peace of his realm, were each and all, individually and collectively, of cruel dispositions, and savage temperament. In all the diaries of Fountainhall, the opponent, and not always impartial recorder of the Lauderdale government,

Digitized by Google

we find no such railing and raving against their *cruelty*, as is so freely indulged in by the drivelling Wodrow, and the dictatorial Macaulay.[1] In the case of John Spreul (the circumstances of which will appear in the sequel), torture had been

[1] On the contrary, Fountainhall's very sensible dissertation, contained in his *Historical Observes*, on the case of *James Skene* (for whom he seems to have acted as legal adviser), might have been a lecture addressed by that whig lawyer to such accusers of Government as Wodrow, Laing, and Lord Macaulay, to reduce their crude and vague *anathemas* within the bounds of justice and common sense: "As for James Skene, though formerly known to be a simple lad, yet was he so obstinately stout, both in face of Privy Council and of the Criminal Court, [that] he owned Cameron's declaration of war against *Charles Stewart* (as he *called the King*), at Sanquhar; approved their fighting at Bothwell Bridge, Moorkirk, or Airdsmoss; their Covenant; their *excommunication* [of the King], &c.; though he was present at none of them; and that *he had freedom to kill the King*, as an enemy to God and the country; and *subscribed* the same. It was a pity to see his forwardness, considering, if he had refrained what he confessed with his own tongue, no probation could have reached him. Some concluded him melancholy and *hypochondriack*." Doubtless his head had been turned by those rascals Cameron and Cargill, who drove so many to the gallows. But Government could not possibly afford, however inclined, to sustain every such plea of *insanity*. Every man who, after having insisted before the Privy Council, that he *would* if he *could* put the King to death, or any of his advisers, and that it was the subject's *right and duty* to do so, might happen to put his doctrine in practice the first convenient opportunity, would have the very same right to escape on a plea of *insanity*, as the man who had merely flung that doctrine in the teeth of the highest tribunals in the land. Skene and such like were not entrapped to say these things. Their deadly rhodomontades were just what they proclaimed out of doors; and hence the danger. Skene was persuaded by his friends to petition the Council that he might be allowed to recant. He was immediately *reprieved*, with ample time so to save his life. But he was possessed with a devil in the shape of Cargill, and once again obstinately stood to his vile text. Of course he was hanged, and most justly. Now, what says Fountainhall, who was so strongly, and honourably, inclined to defend the popular cause against government aggression? "It is true," he says, "the putting to death for *opinions* is a *popish* maxim, not yet received among protestants; but that is to be understood when a man *conceals it*. But if he openly avow doctrines *destructive of all governments*, the sparing such might in the event prove *cruelty*." "Persons *do not advert* to the hazard of the *dissolution of all government*,—which *Cameron, Cargill, Skeen*, and these men *aim at*,—who think it was hard to take their lives for their opinions, having perpetrated no capital *action*: And though *Lex unica Cod. si quis Imperatori maledixerit*, seems to pardon words against the Prince, yet that is where they proceed *ex levitate et insania*, and not when they are malicious, to shake off the King wholely, and affirm, since *they* are in a *declared* war with him, that he may be *lawfully killed, as an enemy*, a *perjured apostate*, an *excommunicat*, &c.; for the poisonous leaven may diffuse through the giddy people, loving changes, and always inclined to *believe the worst of their rulers*; and may throw us in the same state convulsions such tricks did formerly draw on us."—*Fountainhall's Observes*, p. 11.

Digitized by Google

resorted to, shortly after the murder of Archbishop Sharp, for the discovery of the authors of that horrible crime, as well as a plot against the government, and even the life of the Duke of York. Upon the occasion of his trial for high treason, a proposition emanated from one of the Judges of Council and Session, which seemed to extend the legal doctrine of torture even beyond the usual understanding of its legality. Fountainhall records the circumstance, fairly stating the condition of that law in Scotland, but without an idea that the proposition had been prompted by cruel dispositions, or the spirit of inhumanity.

"On the 14th of June (1681), the King's Advocate having complained to the King's Council that the witnesses led against Spreul had prevaricated and deponed falsely, at least did conceal their knowledge, it was moved by my Lord Haddo,[1] and approven of by the King's Advocate, that *witnesses* in such a case might be tortured, when they vary, as well as *parties*. This is, indeed, agreeable to the Roman law, but does not *suit the genius of our nation*, which looks upon the torture of the boots as a *barbarous remedy;* and yet, of late, it hath been frequently used among us. I think, however, these witnesses deserve to be punished; yet the assize should not look upon the testimonies of such witnesses as a *full probation*, not being spontaneous and voluntary, where they either are *threatened* with the boots, or *tortured*."

This, indeed, is a very quiet and qualified condemnation of a proposition, which, in our own riper age and happier times, would be justly scouted, and execrated, by every lover of justice, and every the most zealous supporter of good government and social order. But such was the spirit of the age, the condition of the criminal code, and the circumstances of the disorganized community, that what would be lawless cruelty now, was but impolitic severity then. The case, indeed, cannot be fairly judged, and scarcely understood, in quiet times, and in a country where the punishment of death, now rarely and reluctantly applied even in cases of murder, is falling

[1] Sir George Gordon of Haddo (first Earl of Aberdeen), who soon afterwards became President, in room of President Dalrymple; and subsequently Chancellor.

Digitized by Google

daily into greater odium with our juries, lawyers, and legislators; and when the blatant and bloody treason of the conventicles has become as obsolete and impossible, as is the judicial torture which it once provoked to put it down.

Availing themselves of the natural sensitiveness of every humane and Christian mind in favour of all that can be urged against the barbarous law of torture, the fanatical chroniclers of the Covenant, and their modern political followers, have indulged in great exaggeration, and the grossest calumnies on the subject. Speaking of the executions for high treason, and the severities of the Privy Council, in dealing with the rebellion of 1666 (upon which occasion Wodrow's own uncle was deservedly hanged), the martyrologist thus refers to a system which needed not the aid of slander and falsehood to bring it under condemnation:

"Before those executions began, which I have put altogether, upon the 4th of December (1666), I find the Council order Mr Hugh M'Kail, and John Neilson of Corsack, to be tortured with the boots, a practice *not used before in Scotland*, in the memory of any now living; and I doubt if it was often practised since the *Reformation*.[1] Now it was *brought in*, and *violently urged by the Prelates*, and afterward frequently used, as we shall hear. This, with other inhuman and barbarous tortures made use of in this period, was justly complained of at the *Revolution*, and *abrogated*."

As usual with all the tirades of Wodrow, calumny and false history, are the characteristics of this paragraph. A Scotch fanatic, since the days of the Geddes rising against the Service Book, could not put his pen to paper, or open his mouth, on the subject of "the Prelates," without committing the grossest and most palpable outrages against justice and truth. From such foul sources alone can it ever be made to appear that the application of torture was "violently urged by the Prelates." During the governments of the Restoration, the Bishops were the especial mark of the deadly hatred, and

[1] Torture was used, and *most illegally* used, by the Marquis of Argyle, in 1640, with the perfect approbation of the Covenanting Kirk, of which, indeed, Argyle was lord and master. Of this afterwards.

Digitized by Google

truculent devices, of those promoters and leaders of the conventicle system, whose machinations were the main cause of judicial torture prevailing for a time in the administration of the criminal code of Scotland. That virulent enmity, whose culminating point was the assassination of the Primate, in truth arose out of malice and envy, and the loss of power in a debased sect of religionists, who, when they happened to possess it, by very foul means, never knew how to use it as became the followers of Christ. Besides the calumny in the paragraph quoted, Wodrow's *history* of the practice of torture in Scotland is doubly false. That practice neither *came in* with the restoration of Charles the Second, nor *went out* upon the advent of the Prince of Orange. The Covenanting Kirk, and its King Argyle, have to answer for the most lawless, and atrocious use of the system, that darkens and degrades our annals. And King William himself it was, who (so far from *abrogating*), retained, and *ordered*, the use of judicial torture in Scotland, in the face of the public abhorrence, and the real spirit, if not the letter of the settlement of Scotland under the Claim of Right.

1. The *compulsion of conscience*, and cruelty exercised against conscientious *non-conformity*, those false accusations against the governments of the Restoration, were, in reality, the notorious attributes of the very sect who so complained. That compulsory system began, under the pressure of kirk-domination, with the very commencement of the covenanting era. The only stain upon the shield of Montrose is, that he commanded the first expedition in arms, sent forth by the Kirk to compel *conformity* in the north. This, in very truth, was the compulsion of *conscience ;* for the Episcopalians, who were the sufferers upon that occasion, were peaceful and loyal, learned and enlightened. At the very outset, however, the young Montrose redeemed himself from that false position (even before quitting the Covenanters), by those qualities of heart which soon separated him for ever from the most cruel and tyrannical of factions. He had been ordered by his clerical employers to visit the loyal districts with fire and sword. Even during that universal excitement which prompted his short adherence to a sect he soon learnt to abhor, he would

Digitized by Google

sooner have cut off his own right hand than have perpetrated the cruelty they had ordered. Gordon of Sallagh, no friendly chronicler, declares, in his history of the Earls of Sutherland, that "some did persuade to *raze the town* (Aberdeen), and to *burn it*, lest it should prejudice them afterwards; but that motion was *hindered and crushed by the Earl of Montrose.*" He was then a covenanter, in command of the army of the Kirk, and under instructions to effect that dreadful desolation, as a punishment for *non-conformity*. But that cruelty he "hindered and crushed." The Reverend Robert Baillie, who describes himself as being possessed with a "meek sweet spirit," panted after the blood and ashes of the loyal, unconforming north. That sweet spirit Montrose refused to satisfy. The Covenanters never forgave him. The question had been debated in a council of war, and Baillie surmises that the soldiers of the Covenant fell off from his standard in consequence of the *unexpected humanity* of their young leader. The loyal Ogilvy of Banff, "dissolved his forces," says Baillie: "Aberdeen rendered at once, all was carried before us: But ere it was long, our forces likewise disbanded, as was thought on some malcontentment, either at *Montrose's too great lenity in sparing the enemies' houses*, or somewhat else." And this was Baillie's constant and only complaint against Montrose while in arms for the Covenant. That reverend gentleman cannot conceal his chagrin that the "resolve to have *sacked it* (Aberdeen) *orderly*," had been crushed by their youthful general. The Kirk was enraged. The creeping Argyle, seeing his own advantage in this defalcation of his rival, from that moment raised his snake-like crest, marked Montrose for destruction, and openly declared that his sword "should be taken from his side before two months passed." Accordingly, says the contemporary chronicler, Gordon of Rothiemay, "the next year (1641), when he was made prisoner (by the Argyle faction), this was objected to Montrose, that he had not *burned Aberdeen*, as he *had orders* from the Committee of Estates." Then commenced the reign of Argyle. And then, too, commenced the horrible system of *assassination*, instigated and rewarded by Argyle and the clergy of the Covenant, for the purpose of *compelling conformity*. Baillie himself, thus writes of one

Digitized by Google

of the foulest deeds that darken their annals,—"Kilpont's treachery is *revenged* by his death *justly inflicted*.."[1] The very same spirit of fiendish cowardice it was, that afterwards displayed itself on Magus Moor. And the government of the Restoration could not fail to know, that that deadly sting of the crushed scorpion, was just the obstinate vitality of the venomous power that had reduced Scotland to suffering and shame, during the reign of Argyle and the Kirk.

Nor is this all. A secret, unlegalised system of *torture*, exercised under the irresponsible fiat of one remorseless man, added its horrors to the gloomy misery which then enveloped Scotland, under the name of a halo of righteousness. Confessedly, this system was intended to *compel conformity;* and that, too, in *matters of conscience.* But, wielded under no lawful authority, regulated by no responsible tribunal, watched by no judicial committee, this infernal instrument, was used, under the pretext of *public service*, for the promotion of private interest, and the gratification of private revenge.[2]

Some years ago, we discovered among the domestic archives of the House of Montrose, the original draft, or contemporary transcript, of a Parliamentary *exoneration*, or *bill of indemnity*, in favour of Argyle, which (not having entered the public records, or acts of Parliament,) had hitherto remained latent, and unknown to history. The terms of this instructive document are so explicit as to require no commentary to enlighten the reader as to its meaning. It narrates, for the purpose of exoneration, a military commission to the western potentate, running in the abused name of *King Charles*, and also of the Committee of Estates, with consent of the General commanding in chief. The preamble sets forth, that it was "most neces-

[1] Baillie also thus records, with shameless exultation, the *use* of Argyle, as a military commander: "To lie about Stirling, in the heart of the country; to be always ready in subsidies for unexpected accidents; to be a *terror to our neutralists*, or but *masked friends*." This in 1640. See our Memoirs of Montrose, 1856; and Baillie's Letters.

[2] "No inferior judge could torture. It was employed by the Privy Council, and Justiciary only. By the last, never during trial before the jury, but by way of precognition. What the person who underwent it confessed, was proved at his trial." *Maclaurin's Criminal Cases: Introduction*, p. xxxvii. See also Sir George Mackenzie's Treatise on the Criminal Law of Scotland.

Digitized by Google

sary, for the *weill of religion*, and *peace* of the country, that all the *intestine enemies* thereof,"—*i. e.* all who dissented from the Covenant, and were personal enemies of Argyle, should be suppressed, and if possible brought in as one Christian flock to *the Kirk*,—" or *otherwise* to go against them to their UTTER ROOTING OUT, in all hostile manner." The commission then proceeds to particularise the Earl of Athole, and Lord Ogilvy, (with whom Argyle was at violent *private* feud,) and various others of the loyal north, as enemies to religion and liberty; therefore unlimited power is given to subdue them by force of arms, " and to pursue them and every one of them, in all hostile manner with fire and sword, aye, and until he (Argyle) should either bring them to their bounden duty, and to give assurance for the same by pledges or otherwise, or else, to the utter subduing and ROOTING THEM OUT OF THE COUNTRY." And then comes the following account of his proceedings under that commission, as narrated by Argyle himself:—

" By virtue of the which commission, and faithful discharge thereof, the said [Earl of Argyle], after his acceptation of the same, did rise in arms, and levy and draw out together the number of *four thousand* men in arms, whose rendezvous was in *Innerary*, and *Clanchardysert in Glenorchie*, the 18th day of the said month of June, 1640 years; and went therefrae to the fields, through the bounds and parts of *Athole*, *Braes of Angus*, *Brae of Mar*, *Badzenoch*, *Lochaber*, and *Rannoch;* and was abroad in the fields, with the said army in arms, in executing of the said commission, from the said day of rendezvous above written, *continually*, until the second day of August next thereafter that he returned home, by the space of *forty-four days continually*, during all that space doing his exact diligence to bring the foresaids persons, and *others* within the bounds foresaid, to their *bounden duty and conformity;* and to *suppress them*, that they trouble not the peace of the country; and did *divers acts and facts* for that effect, whereby the said Earl of Athole, and the men of Athole, and divers other *great clans*, and *other persons*, *were brought to conformity*, and made to find *caution*, and give *bonds and pledges* to keep peace and good order, and to compear and answer before the *Committee;* and others that were disobedient, and who would not so do, were forced to flee, and their houses *slapped* and *slighted*, others *demolished and burnt:* And the said [Earl of Argyle] as Commissioner foresaid, gave out several warrants [and] commissions for

Digitized by Google

taking order with some persons that *fled*, and came not in to *give their obedience:* And before he left the fields he left sundry *garrisons*, both in the fields, and in the *houses belonging* to some of the said enemies, for keeping of the peace of the country, who remained therein for the space of several weeks and months thereafter: Likeas, there were *divers other deeds* done by the said [Earl of Argyle] and his army, during the said space, for settling of the said disorders in those parts, and *bringing of the people thereof to conformity*," &c.[1]

Now, Argyle had gone far beyond what even the Committee of Estates could have contemplated, in the execution of this shameful commission. More than one act of inexorable malice and cruelty must have suggested to him the expediency of arming himself with a *private* exoneration, from the covenanting government, relative to his proceedings under it. Accordingly, the document from which we have quoted bestows upon him a sweeping ratification and approval of all those acts and deeds; and a complete immunity to him, Argyle, his heirs and successors, from all question or pursuit, *civil or criminal*, on account thereof, or on account of any violence whatsoever done to the liberty of the subject, or freedom taken with their property, houses, or castles, or "*for burning of the same, and putting of fire thereinto, or otherways destroying the same howsoever.*" And then comes this sentence:—

"Or by putting of whatsomever *person or persons* to TORTURE OR QUESTION; or putting of *any person or persons* TO DEATH, at any time betwixt the 18th day of June 1640, and the 2d day of August thereafter."

And this very necessary bill of indemnity is made to run, not merely in the name of the Estates of Parliament, but of "Our Sovereign Lord," King Charles; against the lives, liberties, loyalty, and consciences of whose subjects, the laws of whose realm, the standing of whose throne, and the safety of whose person, this heartless hypocrite, who so basely deserted his own noble clan when the fearful day of retribution overtook him at Inverlochy, had been at work, continually, for forty-four days!

[1] See Memoirs of Montrose, 1856, pp. 249–253.

Digitized by Google

And what was the *compulsion of conformity*, exercised by the governments of the Restoration against those armed and outlawed rebels, haunting the hills, and watching their opportunity to combine against the Throne, (the rump and shattered remnant of this Argyle reign), compared with the compulsion of conformity exercised by Argyle himself and the covenanting Kirk, during that irresponsible and merciless raid, which, indeed, is the true type of their whole regime? Was it for the Argyle kirk to clamour, and to clamour through a thousand falsehoods, about oppression and cruelty committed by the governments of the Restoration in defending the Throne, and the Country, against the fanatical system and supremacy of Argyle, or his representatives,—Argyle who, in 1640, owned the necessity of protecting himself with a bill of indemnity for the committal of any amount of lawless, nameless murders, and for the infliction of any amount of irresponsible, secret, and nameless tortures? All which enormities, too, had been perpetrated, not only with the perfect approbation, but with the triumphant exultation of that Kirk of which Argyle was head and king, and against whose ferocious struggles to *regain those powers*, it was, that the governments of the Restoration were driven to exercise the severities of a legitimate, and, by comparison, a humane and temperate executive.

2. Wodrow is equally false when he refers the *abrogation* of torture to the advent of King William.

Malcolm Laing, the magniloquent, says of King William,—"His character was chiefly distinguished by a steady integrity, a dignified simplicity, a patriotic regard for the *rights of mankind*." Among these, however, this Prince did not reckon the right of a whole glenful of his Scotch subjects to breathe the breath of life, or even to have a fair opportunity of saving or defending that life. He decreed that they should perish wholesale, men, women, and children, by a midnight massacre, as a plutonic sacrifice to his supremacy. It was a deed that proved William worthy of being King of the Thugs. And let it not be imagined that this is the only evidence that can be adduced, that the milk of human kindness was not overflowing in the bosom of King William.

The Claim of Right, the basis of the settlement of Scotland

Digitized by Google

at the Revolution, declared,—"That the using torture without evidence, or in ordinary crimes, is contrary to law." This timid and useless declaration, on such a subject,—the one great and true grievance of all that the calumnious catalogue cooked by the conventicle agitators contained,—was in effect little more than a declaration consistent with the actual practice during the struggle of the Stewart dynasty against the fanatical assailants of the Throne. For torture was not used without evidence, nor in ordinary crimes. Sir George Mackenzie, bred under the old severe system of the criminal code, and whose misfortune it was to be Lord Advocate at a crisis when its worst engine was frequently resorted to, at once saw the utter futility of this clause, and recorded his regret so early as in 1691, shortly before his death. He does not defend the system of torture, nor maintain the expediency of its use against the progress of amelioration. But he defends himself, and the government of which he was the organ, and most justly, against the imputation of having improvised a system of lawless and barbarous cruelty, and substituted that for a system of law. "As to torture," he says, "it is allowed not only by the law of our nation, but of all nations except England,[1] and founded on the fore-mentioned maxims, *Salus Populi*, &c. *Pereat unus, potius quam unitas;* nor was it ever inflicted but where the person tortured was evidently proved to be guilty of accession to the crime, and that he knew the accomplices, it being still left in his power to secure himself against torture by confessing who were his accomplices, or by clearing himself by his *oath* that he did not know them, which oath was required to *free*, not to *bind* the deponent, because his *knowledge* of the matter was first proved; and it was still previously declared by Act of Council that nothing he was to depone should prejudge him."[2] And having thus stated the

[1] Where it was much more cruelly practised nevertheless.

[2] That excellent and unimpassioned jurisconsult, Baron Hume, thus lays down the law on the subject:—"By the law as it now stands, no use can be made of violence or torture to extort from the prisoner an accusation of himself or others. In Scotland, as in most countries of Europe, it had been the practice to have recourse occasionally to that barbarous expedient; and rather according to the supposed exigency of the case than according to any settled rule; but more especially on charges of treason. And with respect to such cases, at least where the charge

Digitized by Google

actual condition and terms of the law and practice of Scotland, in this lamentable chapter of it,—about which the grossest exaggerations, and calumnies, had been made to prevail by the mendacious pamphleteers of the conventicles,—the ex-public prosecutor expresses his own regret, that the opportunity of the Revolution had not been seized to effect this good work, that the using torture should be declared contrary to law without any exception whatsoever. "And those," he says, "*who had been in that government*, were *very sorry*, that when torture was declared a grievance in the last Convention, matters of high importance relating to the government were *still excepted*, which exposed the subjects to *as much danger as formerly*." And then he adds, in reference to a most atrocious proceeding which gave the severest point to his argument,—"We could wish that our accusers would be careful, that being too rigid censurers of us, they do not expose all governments, and even *the present*, to reproach; for it would seem to some *who are now bystanders*, as they then were, that though they cried out against us for torturing, when it was warranted by our *uncontroverted law*, yet the *expediency* of Government, or some other reason, makes them do it after they had *declared it a grievance*, and had railed against it as *inconsistent with all humanity*."[1]

But that clause in the settlement of Scotland was a most valuable move in the right direction. A great and benevolent monarch, having the good of his people truly at heart, and also the "rights of mankind," such as King William is described by Malcolm Laing and Lord Macaulay, would have

was confirmed by any presumptions against the prisoner (and Mackenzie says, that one witness would in this view be sufficient), even the *Claim of Right* seems, *indirectly*, to admit the lawfulness and propriety of the practice; for it only goes so far as to say, 'that the using torture without evidence, and, in ordinary crimes, is contrary to law.' But the act of the 7th of *Anne*, c. 21, took the decisive step of at once abolishing this vestige of barbarity, with respect to all crimes, and in all cases whatsoever."—*Commentaries on the Law of Scotland respecting Crimes*, vol. i. p. 542.

[1] Sir George Mackenzie's Vindication. This was first published in 1691, the same year in which Sir George died somewhat suddenly and unexpectedly in London. He could have justified every word of this noble and most dignified defence of his own conduct, and of the government which he so ably and honestly served. Of course it raised a storm of fanatical abuse against him, to which probably, had he been spared, he would not have condescended to reply.

Digitized by Google

taken care that, however expressed, it should be read as a total abolition of the law of torture in Scotland. But King William would not have it so read. King William, with his own imperious will, and under his own sanguinary signature, retained that vestige of barbarity in the sad tribunals of Scotland. He revived it in all its horrors against an *English subject*, and under circumstances which mark the instance as one of the worst that ever roused the indignation of a people. To that case it is that Sir George Mackenzie alludes.

The Earl of Annandale, and a few other Scotch nobles, feebly endeavoured, soon after the death of Dundee, to resume actively their allegiance to King James, mainly with the view of promoting their own interests. This, of course, involved a plot against the Prince of Orange. One Nevil Pain was employed by them as an agent. He was an Englishman, but came to be apprehended in the miserable land of cakes, covenant, and calling-in-the-boots. Our whig historian, Laing, thus truly characterises the plot in question:—"Such fantastic plots might embarrass, but could never overturn a government." Was it necessary, then, upon such an occasion, to subject a comparatively insignificant agent to question by torture, the chief plotters being noblemen, all detected, and peaching against themselves, as well as against their humble but heroic emissary? Laing shall tell the story:—

"When deserted by both parties, the three original conspirators (Lords Annandale and Ross, and Sir James Montgomery), conscious, and mutually suspicious of perfidy, hastened to anticipate each other by the earliest discoveries of their own plots. Lord Ross gave the first intimation to the Queen. From a latent principle of honour he refused to become an evidence against his associates, and was committed to the Tower. Montgomery, informed of his departure for Court, disclosed the whole correspondence to Melville. Unable or unwilling to name his confederates in England, he despaired of a full pardon; and after some years spent in constant plots, expired in exile of vexation and grief. Fergusson, an experienced plotter, was too wary to be convicted, even when betrayed by Annandale, whom he had secreted in London; but Nevil Pain, employed as an agent from England,

Digitized by Google

endured a double question with a constancy disgraceful to Annandale the informer;[1] and, from the public indignation which it excited, was the last man who suffered the torture in Scotland. But the *humanity of William* was desirous rather to prevent than to punish their designs; and there are few examples in history of a plot so extensive, detected and suppressed without a single execution."

> " It grieves me much, replied the peer again,
> Who speaks so well, should ever speak in vain."

The close juxtaposition of that lofty compliment to the " humanity of William," with this last, and worst example, of " the frightful torture of the boot," is equally unfortunate for the climax of the historian, and the character of the King. It is the same historian who, in the greatest of his works, entitled, " An historical and critical dissertation on the supposed authenticity of Ossian's Poems," has favoured the world with this valuable aphorism,—" A single manuscript is worth a thousand arguments." We beg to instance what follows, which will not be found either in Laing's history or in Lord Macaulay's.

In 1690, the Secretary of State, Lord Melville, now chiefly trusted by King William, was sent to Scotland as Royal Commissioner to the Parliament, superseding Hamilton. When Annandale's confession had sacrificed poor Nevil Pain, then in Scotland, the fact was intimated to the King's Commissioner as sufficient presumptive evidence to question him under torture there, whatever might be public or private opinion about the Claim of Right, or the principles and pretensions of the Revolution. The first notice of the case in the Register of the Privy Council, is dated 4th August 1690, by which time the Orange party were completely triumphant in Scotland, and Annandale's miserable plot against King William's reign (for such it was in conception and conduct), blown to the winds. Nevertheless, of that date, the following record appears :—

" Forasmuch as there has been a treasonable and *hellish* plot, contrived and carried on against their Majesty's persons, their govern-

[1] This is Malcolm Laing's mode of evading the fact, that it was disgraceful to the Government that ordered the torture.

Digitized by Google

ment, and their good subjects, within this and the neighbouring nations, and that there is evident presumptions, and documents, that Henry Nevil Pain, prisoner within the Castle of Edinburgh, [blank] Kendall *alias* Morgan, Colin, John, and Patrick Bells, have been accessory to, and in the knowledge of, such *unnatural* and *damnable* conspiracy,—THEREFORE, and for detecting and discovering thereof, their Majesties High Commissioner, and the Lords of Privy Council, do ordain the torture to be put to the saids Henry Nevil Pain, [blank] Kendall *alias* Morgan, Colin, John, and Patrick Bells, in their own presence, or a committee to be appointed for that effect." [1]

Although the order to torture Nevil Pain was strongly and inhumanly urged from head quarters,[2] it was not immediately acted upon against any of these unfortunates. But Lord Melville, the Royal Commissioner, having returned to London, down comes the following royal letter, of date 18th November 1690:—

"WILLIAM R.

"Right trusty and entirely beloved," &c. "We greet you well. Whereas we have full assurance, upon undeniable evidence, of a horrid plot and conspiracy against our Government, and the whole settlement of that our ancient kingdom, for introducing the authority of the late King James, and Popery, in these kingdoms, and setting up an entire new form of government in Scotland, whereof there has been several contrivers and managers; and *Nevil Pain*, now prisoner in our Castle of Edinburgh, hath been likewise an instrument in that conspiracy,

[1] *Register of the Privy Council.* The noblemen of the Council who subscribe this order are,—Melville, Crawford, Argyle, Sutherland, Eglinton, Leven, Forfar, Cardross, and Ruthven.

[2] Sir William Lockhart writes in these terms to the Royal Commissioner in Scotland, 30th August 1690:—"I should wish to have some meaths to take measures by, and that your Grace would let me know if you have any considerable presumptions against people here; there's no doubt you may have them from *Nevail Pain*, who, all men know, knows so much of Fergusson and those here as may hang a thousand; but except you *put him to the torture he will shame you all. Pray you put him in such hands as will have no pity on him*; for, in the opinion of all men, he is a *desperately cowardly fellow.*" This from King William's Solicitor-General for Scotland! On the previous 13th of August, he had also written from London:—"I have learned as much as may serve for interrogatories to *Nevail Pain.* All is true, and *acknowledged*; therefore *cause put the rogue to it.* Your Grace shall know more by the next."—*Melville Papers.* Nevil Pain proved himself a hero, and the only hero among them.

Digitized by Google

who, having neither relation nor business in Scotland, went thither on purpose to maintain a corespondence, and to negotiate and promove the plot; and it being necessary for the security of our government, and the peace and satisfaction of our good subjects, that these foul designs be fully discovered,—THEREFORE, we do require you to make all legal enquiry into this matter; and we have transmitted several papers and documents for your information, some whereof have been read amongst you; and particularly, we do require you to examine Nevil Pain *strictly*, and in case he prove *obstinate* or *disingenuous*, that you proceed against him *to torture, with all the rigour that the law allows in such cases:* And not doubting of your ready and vigorous application, for the further discovery of what so much concerns the public safety, we bid you heartily farewell.—Given at our Court at Kensington, the 18th day of November 1690 years, and of our reign the second year.

"*By his Majesty's Command.*

"MELVILLE."[1]

There was no more delay in torturing Nevil Pain. The above was read and recorded in Council, on the 10th of December 1690, and in the register of that same sederunt, the next entry is as follows:—

"The Lords of their Majesties Privy Council do hereby give order and warrant to L^t^-Colonel James Murray, Lord Governor of the Castle of Edinburgh, and in his absence the next commanding officer present, to bring along *Nevil Pain*, prisoner in the said castle, in presence of the Provost of Edinburgh, one of the said Lords their own number, and that under a sufficient guard, and sist the said Nevil Pain in presence of the saids Lords, without admitting any person whatsomever to speak with him on the way as he comes from the castle to the saids Lords, or in the said castle before he come forth thereof.

"The above prisoner being brought to the bar, and being several times removed and called in again, and being asked several questions anent a conspiracy against the government, and for restoring the late King James, whereof the Council had strong and evident presumptions of his knowledge, he denied all knowledge of or accession to the foresaid conspiracy; and the Council having, by the Earl of Crawford their President for the time, intimated to the prisoner that the Council has

[1] *Original*,—Register House.

Digitized by Google

certain and sufficient evidences of his knowledge of, and concern in, the plot and conspiracy, and therefore required him to be ingenuous and frank in his confession, otherwise they would, (in respect of the great and clear evidences against him), *put him to the torture;* and the prisoner having still refused to make any acknowledgement, and in a boasting manner bid them do with his body what they pleased, the Council *resolved to proceed to torture;* but first called for and read at the Board (the prisoner being removed) a former warrant of Council for putting this prisoner and others to torture, in respect of the evident presumptions against them, signed by their Majesties Commissioner and *fifteen* Lords of Council, of the 4th of August last.

"It being moved at the bar whether Nevil Pain, the prisoner, in case of his disingenuity, or refusal to answer, notwithstanding of the torture he is to be put to this night, may be put to *new torture* to-morrow, the same was put to the vote, and carried in the affirmative, that *he might be put to torture again*, upon interrogatories not coincident with these which he shall be this night interrogated upon.

"The prisoner being again brought in, was put to the torture of the *thumbiekins*, and being examined upon several interrogatories, answered to the whole *negativè*.[1]

On the following day, 11th December 1690, he underwent the torture again, and with the same result. The following short notice of it, is all that appears on the Register of the Privy Council:—

"Nevil Pain, who was in the torture yesterday, brought to the bar this day, and again put to the torture of the *thumbkins*, and of the *boot* upon one leg *before the thumbkins were taken off*, examined."

And thus ends the public record of a case of torture in which Lord Macaulay could discover no materials for censure

[1] The Members of Council at this sederunt were,—*Earls* Crawford, P., Sutherland, Morton, Cassillis, Forfar; *Viscount Stair*; *Lords* Raith, Cardross, Carmichael; *Lairds* Ravilrig, Aberuchil, *Fountainhall*, Blackbarony, and Sir John Hall.

The members of Council at the sederunt of the *second* torture, are the same as above, with the exception of three, namely, the Earls of Sutherland and Cassillis, and Sir Colin Campbell of Aberuchil. As Earl Crawford, in his letter to Melville, states, that some who were outvoted on the question whether torture should be applied, withdrew from the Board, it seems probable that the three who are not named on the sederunt of 11th December, composed that certainly glorious minority.

Digitized by Google

or invective against King William! Would it have been so had the case occurred in the preceding reign? The private report to head-quarters, from the President of the Council, supplies all the harrowing details:—

The Earl of Crawford to the Earl of Melville.

"*Edinburgh, 11th December* 1690.

My Lord,—Yesterday, in the afternoon, Nevil Penn (after near an hour's discourse I had with him, in the name of the Council, and in their presence, though at several times, by turning him out and then calling him in again), was questioned upon some things that were not of the deepest concern, and had but *gentle torture* given him, being resolved to repeat it this day, which, accordingly, about six this evening we inflicted on *both thumbs*, and *one of his legs*, with all the severity that was consistent with humanity; even unto that pitch, that *we could not preserve life, and have gone further;*[1] but without the least success, for his answers, to our whole interrogators that were of any import, were negatives. Yea, he was so *manly and resolute* under his suffering, that such of the Council as were not acquainted with all the evidences were *brangled*, and began to give him charity, that he might be innocent. It was surprising to me, and others, that flesh and blood could, without fainting, and in contradiction to the grounds we had insinuat of our knowledge of his accession in matters, endure the heavy pennance he was in for *two hours;* nor can I suggest any other reason than this, that by his religion, and its dictates, he did conceive he was acting a thing not only generous towards his friends and accomplices, but likewise so meritorious that he would thereby save his soul, and be canonized *among their saints.* My stomach is truly so far out of tune, by being a witness to an act so far cross to my natural temper, that I am fitter for rest than any thing else; nor could any less than the danger from such conspirators, to the person of our *incomparable King*, and the safety of his Government, prevailed over me, to have, in

[1] The fanatical Lord Crawford's distinctions between "gentle torture," and *severe* torture "consistent with *humanity*,"—the humanity being just what sufficed to keep themselves out of the scrape of *murder* (for, by the law of Scotland, it was murder to allow torture unto death), would be amusing, were the subject not so melancholy. In no case, that we are aware of, occurring in the reigns of Charles or James, was torture simultaneously applied both to the leg and the arms, or applied so inhumanly, or so near unto death, as in this case, after the settlement of Scotland upon the Claim of Right, and under the orders of King William.

Digitized by Google

the Council's name, been the *prompter of the executioner to increase the torture to so high a pitch.* I leave it to other hands to acquaint your Lordship, how severals of our number were *shy to consent to the torture*, and left the Board, when, by a vote, they were overruled in this. I shall not deny them my charity, that this was an effect of the gentleness of their nature; though some others, of a more jealous temper than I am, put truly another construction on it. Penn does now crave banishment for a year to Holland, under a deep penalty. I think he would willingly stoop to it that it were under the *pain of death.* But I am no agent for him, and only speaks out his own words, which, after his torture, he desired I might represent to *my Master, for the sake of God;* which I no way engaged for, and only acquaints your Lordship that you may have the utmost information in this matter that can be given you by, my dear Lord, you Lordship's ever faithful and affectionate humble servant,

"CRAWFORD." [1]

Five days after the date of this letter, and of the last torturing day, the following appears in the Privy Council Register, under the date 16th December 1690:—

[1] *Melville Papers.* And how does this horrible letter illustrate all those calumnious tirades of Wodrow, imputing the system of torture entirely to the execrable dispositions of *the Bishops* and the *Episcopalian* Counsellors of the Restoration! This William Earl of Crawford, says Lord Lindsay, was "the leader of the *Presbyterians*, the most active agent in effecting *the full of Episcopacy*, a marked man through his *non-conformity*, and the deference paid him by the *Presbyterians.*" Lord Macaulay, too, rings the changes, *ad nauseam*, upon the horrible cruelty of the Stewarts, and their Counsellors, in using torture,—"His Majesty's *favourite boot*,"—"knees beaten flat in the boots," (which by the way never happened in the boots), &c.; as if this diabolical characteristic distinguished the last of the Stewarts from every other sovereign, before or after. And what have we here! The greatest fanatic of the age "prompter of the executioner to increase the torture to so high a pitch, that we could not preserve life and have gone further;" and doing all this under the orders, and for the sake of, our "incomparable King" William; and sneering at those who "were shy to consent to the torture, and left the Board." And how does Lord Macaulay describe this minister of the Millenium of Glencoe! "He had a text from the Pentateuch, or the Prophets, ready for every occasion. He filled his dispatches with allusions to Ishmael and Hagar, Hannah and Eli, Elijah, Nehemia, and Zerubbabel, and adorned his oratory with quotations from Ezra and Haggai. It is a circumstance strikingly characteristic of the man, and of *the school in which he had been trained*, that, in all the mass of his writings which has come down to us, there is not a single word indicating that he had ever in his life heard of the New Testament."—*Hist.*, vol. iv. p. 307.

Digitized by Google

"*Warrand for Open Prison to Navil Pain.*

"Anent the petition given in to the Lords of their Majesties Privy Council by Francis Pain, nevoy to Henry Navil Pain, Showing, that the petitioner being informed that his said uncle was committed close prisoner after torture, and that his own physicians and chirurgeons have not liberty to attend him, and seeing these circumstances may endanger his life, and therefore humbly craving their Lordships to allow him the benefit of open prisoner, and to allow his ordinary physicians and chirurgeons to attend him, since they only could know his constitution, as the said petition bears,—The Lords of their Majesties Privy Council having considered the above petition, they *grant the desire thereof*, and allows the above Henry Navil Pain the benefit of open prison, and allows his ordinary physicians and chirurgeons to attend him, the Governor, Lt-Governor, or other inferior officers of the said castle being always answerable for his safe custody."

But even this poor modicum of mercy was overruled by the following royal command:—

"William R.

"Right trusty," &c. "We greet you well. Whereas we understand that Navil Pain hath been *most obstinate* and *disingenuous*, when examined by you concerning the late plot and conspiracy against us and our Government, nothwithstanding of our inclinations of favour towards him upon a true discovery: It is therefore our will and pleasure, and we do hereby authorize and require you, to cause *secure him in close prison*, and that no person be suffered to meet, speak, or correspond with him any manner of way, except his keeper, and also physicians and chirurgeons when allowed by you, until our further order: So, not doubting your ready compliance with these our commands, we bid you heartily farewell.—Given at our Court at Kensingtoune, the twenty-third day of December 1690, and of our reign the second year: By his Majesty's command,

"Melvill."

These orders from above, compelled the Privy Council of Scotland to supersede their more humane deliverance of the 16th December, upon the petition given in by the nephew of the sufferer, by this second deliverance, of date 6th January 1691:—

Digitized by Google

"Anent the petition given in to the Lords of your Majesties Privy Council, by Francis Pain, nephew to Henry Navil Pain, prisoner in the Castle, showing, that the petitioner's uncle had contracted a *violent dissentery*, which, concurring with the *torment* in his thumbs and leg, would, *without all question cut his days*, if he remains in close prison, and therefore humbly craving that the said Henry Navil Pain might be enlarged, and get the freedom of the Castle, where he might have the benefit of the air, and where his friends and physicians might attend him, as the said petition bears,—The Lords of his Majesty's Privy Council, having considered the above petition, they allow the said Henry Nevil Pain *any physician and chirurgeon as he shall call for to attend him.*"

Thus compelled against their better feelings to retain the tortured man in close prison, at the imminent risk of his life, the Privy Council of King William, to their credit be it spoken, at the same time address a letter to his Majesty (recorded under the same date as their deliverance on the petition), in which they venture to urge the justice and constitutional obligation of not retaining this poor sufferer in prison for an indefinite period without bringing him to trial:—

"MAY IT PLEASE YOUR MAJESTY:—In obedience to your Royal commands, by your letter to us of the twenty-third of December last, we have committed Navil Pain *close prisoner* within the Castle of Edinburgh, and have discharged any person to have access to meet, speak, or correspond with him, except his keeper, and such physicians and chirurgeons as are allowed by us: NEVERTHELESS, we humbly crave leave to acquaint your Majesty, that, by the *Claim of Right*, the delaying to put persons in prison to trial is *declared to be contrary to law:*[1] Wherefore, in all humility we offer our *opinion and advice*, that your Majesty give orders to your Advocate to bring the said Navil Pain to his trial here; or, if your Majesty think it more conduceable to your

[1] One of the charges against James the Second (whereby he was said to have forfeited the Crown of Scotland), contained in the "Claim of Right," the basis of William and Mary's election, is thus worded:—"By imprisoning persons without expressing the reason, and delaying to put them to trial;" and this, *inter alia*, is declared to be "utterly and directly contrary to the known laws, statutes, and freedoms of Scotland."—*Declaration of the Estates of the Kingdom of Scotland, containing the Claim of Right, &c.*, April 11. 1689.

Digitized by Google

service, to cause transport him to England, *he being a native of that kingdom:*

"May it therefore please your Majesty," &c.[1]

And what says Lord Macaulay to all this? What says the terrible historian who has tied the Scotch boot to the tail of James II., in the same spirit with which a cruel boy canisters a dog? Does he, sad as angels for a good man's sin, weep to record and blush to give it in? No. He does not give it in at all. He treats the story (which he could not evade), as if King William had no more to do with it than the man in the moon. The name of that monarch he never breathes in connection with this last and worst example in Scotland of the most barbarous of usages. "Payne," he says, "pursued by messengers and warrants, was so ill-advised as to take refuge in Scotland. Had he remained in England he would have been safe;[2] for though the moral proofs of his guilt were complete, there was not such legal evidence as would have satisfied a jury that he had committed high treason: he could not be subjected to torture in order to force him to furnish evidence against himself: nor could he be long confined without being brought to trial. But the moment that he passed the border, he was at the *mercy of the government*, of which he was the *deadly foe.*" And what government was that? Was it not *especially* the government of King William, who, when his Privy Council for Scotland *remonstrated* with him, and quoted the Claim of Right as equivalent to a *Habeas Corpus* Act, and tendered their "opinions and advice," that to keep Nevil Pain in prison without trial was "contrary to law," and to the condition upon which he had obtained the Crown of Scotland, was to be influenced neither by motives of humanity, nor by the principles of the Revolution, but treated, with obstinate and cruel contempt, the best advice that ever came to him out of Scotland? And why, in reference to the weakest of

[1] President Stair does not subscribe this letter, although he is of the Sederunt at which it was recorded in the Privy Council Register. It bears to have been subscribed as follows:—Hamilton, P.; Crawford; Errol; Sutherland; Morton; Forfar; Carmichael; Archd. Murray; Jo. Lauder; Ro. Sinclair.

[2] As a mouse in an owl's beak.

Digitized by Google

plots, for which those recreant and feeble peers had already grovelled in the dust to the Orange dynasty, is this insignicant instrument honoured by Lord Maclaulay with the imposing characteristic of "the *deadly foe* of Government"? He was of no more weight or consequence against King William's government, at that moment, than a flea in a lion's ear. But our noble historian labours to smooth this awkward passage by creating the impression that it was all owing to the state of the Scotch law, and the hardened vice and cruelty of the criminal tribunals in Scotland! The high being with the high nose, of course, had nothing to do with it. He might affix his royal signature to an order regarding Scotland; but he neither knew, nor cared, whether it related to blood or bounty, even when it happened that he first signed it at the top and then at the bottom. He would not so much as deign to rouse himself to take heed (according to the miserable defence his friends imagine for him), that a subject of his realm of England, that happy kingdom in which, forsooth, torture was never law, should not, in virtue of an order signed by himself, be put to the question, a process which even the claim of Right for Scotland had virtually condemned as a barbarous abomination. "The Claim of Right," continues Lord Macaulay, "had *recognised* torture as, in cases like his, a *legitimate* mode of obtaining information;[1] and no *Habeas Corpus Act* secured him against a long detention: The unhappy man was arrested, carried to Edinburgh, and brought before the Privy Council." Then follows one of this brilliant writer's vivid descriptions of the process of torture, in which he usually revels as if he loved it, whether inflicted by the English *cat* (which, by the way, he is careful to record in high historic phrase, as the "whip with nine lashes"), or the Scotch *boot;* and so, without having mentioned King William at all in connection

[1] This is rather an imposing mode of putting the fact, that, as regards the real grievance of torture, the Scotch Claim of Right had stupidly left a hole through which King William could thrust his gory beak. Lord Macaulay accounts for that imperfect legislation by a special theory so fanciful, as not to be worth the space it would occupy to refute it. See his History of England, vol. iv. p. 302. Then, as for there being no *Habeas Corpus* Act for Scotland, did not his own subservient Privy Council refer King William to an equivalent clause in the Claim of Right?

Digitized by Google

with the matter, he thus concludes his version of the tragedy of poor Nevil Pain:—

"Payne was then,"—after torture,—"carried to the Castle of Edinburgh, where he *long remained utterly forgotten*, as he touchingly complained, by those for whose sake he had endured more than the bitterness of death. Yet no *ingratitude* could damp the ardour of his fanatical loyalty; and he continued, *year after year*, in *his cell*, to plan insurrections and invasions."[1]

Hogarth's Bedlam King was as dangerous to King William. And is the odium of, and indignation at, this disgraceful fact, that an English subject of humble degree was thus, after the Revolution, cozened out of his constitutional rights and privileges, both as regards torture and the *Habeas Corpus* Act, to fall entirely upon (to use Lord Macaulay's phrase), "those high-born plotters with whom it was his misfortune to have been connected"? Must not a whisper be breathed on the subject against *Proh-pudor-oh-soceri-raptor-nequissime-sceptri?* Was it King William who abrogated torture?

The weakness of Lord Macaulay's History on the subject of King William, stands in remarkable contrast to what may be justly called its vice, as regards King James. It might be supposed, that having characterised Lauderdale as a "ruffian," specially selected "to extirpate Presbyterianism, by the drowning of women, the frightful torture of the boot," our great master of this historic style, had reserved no ink of deeper dye wherewith to blacken the character of James Duke of Albany and York. But there is no limit to the powers of such a pen. Nor was it against Lauderdale that this unsparing historian would deign to rise in his full "majesty of mud." A deeper plunge into the sink of Burnet, and the common-sewer of Wodrow, and lo! "He brings up half the bottom on his head."

[1] Lord Macaulay's History of England, vol. v. p. 334–5. Was the fact of this real martyr being confined "year after year in his cell," and "utterly forgotten," a mere matter of "ingratitude"! Had this happened in the reign of King James, how would Lord Macaulay have recorded it! We must refer our readers to a note in the Appendix to this volume, for some further account of Nevil Pain, and his ultimate fate.

Digitized by Google

"The Duke of York," says Lord Macaulay, "had been sent to govern Scotland, where the savage old tyrant Lauderdale was sinking into the grave. Even Lauderdale was *now outdone*. The administration of James was marked by odious laws, by barbarous punishments, and by judgments to the iniquity of which *even that age* furnished no parallel.[1] The Scottish Privy Council had power to put State prisoners to the question. But the sight was so dreadful, that, *as soon as the boots appeared*, even the *most servile*, and *hard-hearted* courtiers hastened out of the chamber.[2] The Board was sometimes *quite deserted*:[3] and it was *at length* found necessary to *make an order*[4] that the members should keep their

[1] By which, of course, Lord Macaulay means to say, that *no other age* could furnish a parallel. Take this case, which occurred in the same century, towards the close of the reign of James VI. "20th August, 1618, Mr Thomas Ross was brought to trial for writing, and affixing on the door of St Mary's, in the University of Oxford, a devilish, scandalous, and seditious writing, containing reflections,"—on the King! No,—"on *his own countrymen*, asserting that they should be all put from the Court, *except his Majesty and children*,"—the *Conventiclers* made no such exception,—"and a few others; and upbraiding the English for suffering themselves to be abused by such a multitude of offscourings of people. The pannel *acknowledged the fact*, alledging he did it out of a *fit of madness*, for which he was *sorrowful*, and put himself *in his Majesty's will*. He was, by *his Majesty's special warrant*, condemned to have, first his *hand*, and then his *head*, struck off, and affixed on the Nether, and West Port, on a prick of iron."—*Maclaurin's Criminal Cases*, p. xxxviii. This sentence was put into execution. See also, Pitcairn's Criminal Trials, and Chambers' Domestic Annals.

[2] Which would have been equivalent to *countermanding* the torture they had just decreed, and *dismissing* the boots they had just ordered to appear! No absurdity of the kind is to be found on record. Had it ever occurred, the fact could not possibly have escaped Fountainhall. It would have completed Lord Macaulay's picture, had he asserted that the executioner ran away too.

[3] When did this ever happen? What record is there of any such fact, as that, after question under torture had been decreed by the Privy Council, no one would remain to enable it to be carried into effect; the signal for their flight being "as soon as the boots appeared"!

[4] Where is any such special order to be found? What does the statement mean? Does it mean, that such members as were *not* on the committee for torture, were compelled to "keep their seats" to witness the torture? There was no such law, or order. Or does it mean, that a certain number having consented to be of that committee, a special order was necessary to compel them to "keep their seats," after they had taken their seats, and the instruments of torture had been brought in? The idea is nonsense on the face of it. If they did not keep their seats, there could be no torture. Or does the statement mean, that when the torture had been ordered by the Privy Council to proceed before the Council in general, without

Digitized by Google

seats on such occasions. The Duke of York, *it was remarked*,[1] seemed to take *pleasure* in the spectacle, which some of the *worst men then living*[2] were unable to contemplate without pity and horror. He not only came to Council when the torture was to be inflicted, but *watched* the agonies of the sufferers with that sort of interest, and *complacency*, with which *men observe a curious experiment in science.* Thus he *employed himself* at Edinburgh, till the event of the conflict between the Court and the whigs was no longer doubtful. He then returned to England."[3]

There was an ancient English peer who rejoiced in the title of the "mauler of monasteries." To achieve the title of the mauler of monarchs, would be, perhaps, a prouder distinction. But then, the blows must not be foul. History more recklessly criminativc, and more crudely calumnious, than this, never flowed from the most unscrupulous pen, in the most excited of polemical times. Lord Macaulay could no more have proved that elaborate libel, than he could have proved that the two signatures of King William to the order for the massacre of Glencoe are forgeries. Indeed, this fierce flare-up of his dazzling history, stands unsupported by a single reference. It is a page of unmitigated calumny, naked and not ashamed! Will it be believed, after such a statement from such a quarter, that even the fact of the Duke of York's *presence*, during the application of torture before the Privy Council in Scotland, has not been established in a *single case ;* and that Wodrow himself has only slightly and vaguely asserted that very improbable fact in regard to *one* solitary instance, to prove which the unsupported authority of such a libeller, even had he asserted it distinctly, is absolutely worthless. And as for all that declamatory assertion, that "it was re-

the appointment of a special committee, that there was an order, whereby every member of Council was compelled to keep his seat to witness it! There was no such special order. The contrary is proved by Earl Crawford's letter to Lord Melville, quoted before.

[1] By *whom* "remarked"! A convenient phrase this, when other authority is not to be found.

[2] Who were these "worst men then living"! This is Lord Macaulay's ingenious mode of fastening upon King James the character of *worse than the worst.*

[3] Lord Macaulay's History of England, vol. i., p. 281.

Digitized by Google

marked," that the heir-presumptive to the Crown *revelled* in those exhibitions of human suffering; that he had rendered himself conspicuous (as having a natural turn for the most savage cruelty), by the regularity of his habitual attendance to witness those horrid scenes; that he remained to *enjoy* them while other "ruffians," of the State (whose judicial duty it was to be present, and without whose presence the trial by torture could not proceed,) fled with horror and dismay, "sometimes leaving the Board quite deserted," save, forsooth, by the philosophically fiendish royal Duke,—we do say, in the face of all Lord Macaulay's fame, and although he held the lyre of Apollo himself, that this compound of excited political bias, and fantastical imagination, has not the shadow of a foundation to rest on, in any "remarks" that ever occurred at the time or place; and that (as we shall see) Lord Macaulay's tirade can only be traced to one single source,—a source so impure, that the very authority itself suffices to impress the story with the stamp of an abominable falsehood.

It did not suit our historian to bring his first *feu d'enfer*, against this unfortunate Prince, into immediate juxtaposition with the only references he could adduce to support it. But, renewing the attack in a subsequent page, he at length ventures to put forth,—*Burnet* and *Wodrow!*

"He,"—says Lord Macaulay, again opening his fire upon the Throne of the Stewarts,—"who had expressed just indignation when the priests of his own faith were hanged and quartered, *amused himself* with hearing *Covenanters shriek*, and seeing them *writhe*, while their *knees* were *beaten flat* in the boots. In *this mood* he became king!" And then follow, by way of authenticating and illustrating this picture of "Tophet on earth," our noble author's frightful portrait of Graham of Claverhouse, and the concomitant and equally authentic romances of the "Christian carrier," and the Saints of the Solway. But his authorities? We ask Lord Macaulay's *authorities*, for the Duke of York's musical ear for the diapason of shrieks, and contemplative mind for the postures of torture? They are all contained in this note:—

"*Burnet*, i. 583; *Wodrow*, iii. v. 2. *Unfortunately*, the

Digitized by Google

Acta of the Scottish Privy Council, during almost the whole administration of the Duke of York, *are wanting*."[1]

Unfortunately? Nay, the most fortunate thing in the world for such historians. So far as Scotland is concerned, and the merits of the governments of the Restoration (nor have we undertaken to test Lord Macaulay farther), the best thing that could have happened for his fame would have been, that every authentic record was blotted out so as to have left Lord Macaulay in triumphant trinity with *Burnet* and *Wodrow*. Let us take the latter first in hand. We have a weakness for Wodrow, as Walton had for his worm.

1. This mighty master of the covenanting lyre, through all its chords, of kirk-sufferings, kirk-miracles, and kirk-calumnies, was behind his time, and not in advance of it, on the subject of judicial torture. He had no large and liberal views on that or any other subject. His heartless, and false, narrative of the murder of the venerable Primate, alone would suffice to stamp his character. He cared not what amount of torture was then inflicted by those fiendish hands. He writes as one regretting he had not been there to see. We are not to wonder if a clergyman of this stamp only objected to the system of torture when operating upon those whom he did not desire should suffer. A thief, and a murderer, might indeed be tortured,—but not the *murderer of a Bishop*. That species of criminal was the *Ibis* of the Covenant. Wodrow has nothing to say against the fact which he thus records,—"*Peter Roy*, the Highland thief and robber, after he had been legally convicted of theft and murder, was put to torture, to oblige him to declare his associates and accomplices." This he considers a totally different case from that of *James Mitchell*, who only destroyed the Bishop of Orkney, in attempting to assassinate the Archbishop of St Andrews.[2] Then, as

[1] History of England, vol. ii. p. 72.

[2] We had thought, but were mistaken, that the covenanting doctrine of *assassination* (which is murder perpetrated by cowardice), would not now be owned or upheld by any human being, however wedded to covenanting history, forms, or fanaticism. Lo! a certain professorial instructor of youth in a certain dead language, has very recently thus instructed the civilized community in a language we thought had been dead also, and which certainly deserves to be—condemned:

"The *talk* about *law*, and *legitimate authority* in such cases, may amuse the shal-

Digitized by Google

for torturing a party falling under pregnant suspicions, in order to complete the evidence, Wodrow has nothing to say against that either, provided *the finger of the Lord be in it.* And so he illustrates the law and equity of judicial torture with this revolting rubbish:—

"The laird of Auchindrane was accused of an horrid and private murder, where there were *no witnesses*, and which *the Lord had witnessed from Heaven, singularly by his own hand*, and *proved* the deed against him. The corpse of the man being buried in Girvan church-yard, as a man cast away at sea, and cast out there, the laird of Colzean, whose servant he had been, *dreaming* of him in his sleep, and that he had a *particular mark* upon his body, came and took up the body, and found it to be the *same person*, and caused all that lived near by come and touch the corpse, as is usual in such cases: All round the place came but Auchindrane and his son, whom nobody suspected, till a *young child* of his, Mary Muir, seeing the people gathered, came in among them, and when she came near the dead body, it *sprung out in bleeding;* upon which they were apprehended, and *put to the torture.*"[1]

This, indeed, is a system of torture after our martyrologist's own heart. "These two cases," he says, "wherein it *only* has been used *these many years* in Scotland, came not at all up to the case (of Mitchell) before us." The Marquis of Argyle, King of the suffering Kirk, could have unfolded a very different tale, relative to *his* practice in Scotland, as we have al-

low, and *console the coward* (!); but it has no meaning to the consistent thinker. *Those who talk with a pious horror of assassination*, ought to bear in mind, that when wolves in *sheep's-clothing* exercise *open* force over the sheep, there is nothing for the *faithful shepherd*, but to use *secret force*, when opportunity offers."

God help us, what have we here? "A hind let loose" upon the nineteenth century? A wolf in sheep's-clothing? Is there no "faithful shepherd" to meet this "open force" with "secret force"? Following the secret system, we shall not name this alarming author. Suffice it to say, that he is the Homer whose Helen is Jenny Geddes, and whom he thus celebrates in strains he hopes shall live as long:

> "But o'er all the world's brave women, there's one that bears the rule.
> The valiant Jenny Geddes, that flung the three-legged stool,
> *With a row-dow—at them now!—Jenny fling the stool*"!

But, unfortunately for these heroics, Jenny *burnt* "the stool," in testimony of her joy at the Restoration!

[1] Wodrow's History of the Sufferings of the Kirk, vol. ii. p. 458.

Digitized by Google

ready demonstrated. Now, when Lord Macaulay refers us to Wodrow as an authority for that elaborate picture of the Duke of York's habitual attendance at the torture of State criminals, his readers might naturally take it for granted, that he had indeed gathered the materials from the marvellous pages of the martyrologist. But the discovery (to such as take the trouble to refer from Lord Macaulay to Wodrow), is somewhat startling, and not creditable to this great historical writer, that there is not a single sentence, throughout the whole of Wodrow's chronicles of calumny, to justify that very remarkable page of the latest history of England. Wodrow has not said one word, and had not one word to say, on the subject of torture, against the Duke of York, as characteristic of his dispositions, or of his inhuman habits while in Scotland. Otherwise, we may rest assured, the martyrologist would have recorded it *con amore*, and with no scrupulous pen. Referring to the torture of the western apothecary, John Spreul, and after naming the committee of Privy Councillors appointed to superintend it,—which, of course, did not include the royal Duke,—he merely introduces his name in this very cursory manner,—offering no authority whatever for the fact he states except his vague allegation of "*other papers*,"—"The Lord Haltoun was Preses of this Committee, and the *Duke of York*, and *many others*, were present."[1] Not another syllable

[1] Wodrow himself tells us, that the special commission appointed to attend the torture of Spreul, 1682, were,—"The Earls of *Argyle*, Linlithgow, Perth, and Queensberry; Treasurer-depute; Register; Advocate; Justice-Clerk; General Dalziel; Lords Collington and Haddo; to call and examine the said persons (John Spreul and Robert Hamilton) in torture, upon the said interrogatories, and such other as they shall find pertinent upon the said heads, *and report*." But he adds,—"The Lord Haltoun was Preses of this committee, and the *Duke of York*, and *many others* were present." Present where and when? At the *preliminary* examinations? Or at a full sederunt of the council that decreed the torture and appointed the committee? Or is it actually meant to be said, that "the Duke and *many others*,"—*not* being of the committee specially appointed in order to release all others from a disgusting and degrading duty,—chose to be present from curiosity, and for their own amusement? We must refer our readers to a note on Spreul's case in the Appendix to this volume. The Bishops were never put on such a committee; and when the torture was ordered to proceed before the Board, they retired. Fountainhall, referring to a case of torture before the Board, of date 28th July 1680, says, "The Bishops in this, as a *sanguinary case*, retired forth of the Council." The Duke of York was not in Scotland of that date.

Digitized by Google

is to be found in Wodrow specially connecting his Royal Highness with those deplorable scenes. That Lord Macaulay should have relied upon this jesuitical covenanter for the *pistol scene*, and the *mutiny* of the King's troops, in the martyrdom of Saint Brown, simply injures his credit and reputation as an enlightened historian. But that he should quote Wodrow in support of the calumny in question,—Wodrow, whose silence on the subject of a habit so conspicuous and diabolical suffices to destroy that calumny altogether,—raises the severer question, whether this highly gifted author be really of that perfectly pure, and perhaps mythical breed of historians, who are no less fearful of recording a falsehood than fearless to tell the truth.

2. Did Lord Macaulay, then, invent this story, and compose the picture? He did neither. He merely conveyed it from his *second* reference, and only other authority, Bishop Burnet. We say *conveyed* it. For not only could he discover no trace of the calumny in any other quarter, but that curiously constructed passage in which he first narrates it, and to which he attaches no note of reference whatever, is simply transferred out of Burnet into his own illustrious page. The staple of its structure and phraseology; the bold but somewhat blundering conception, agreeing so well with Lord Macaulay's characteristics of the Bishop,—" his propensity to blunder, his unabashed audacity," in short, " that character which satirists, novelists, and dramatists, have agreed to ascribe to Irish adventurers"; the utter recklessness, not merely as regards truth, but even *vraisemblance;* the leading lie itself, with all its garnishing of little lies,—belong solely and entirely to the genius of Burnet.

By the following very easy process is rank *Burnetism* raised to the dignity of pure *Macaulese!* On a comparison of the passages, the intelligent reader will be amused to mark the ingenious devices of phraseology, and the little artful dodges of the pen, wherewith the great modern author would cover this filching of fire from the tomb of Burnet, whose gratified spirit might still whisper, " that's my thunder."

Digitized by Google

Here are the parallel passages, *par nobile fratrum*:—

BISHOP BURNET.

"When any are to be struck in the boots, it is done in the presence of the Council; and upon *that occasion, almost all offer to run away.* The *sight is so dreadful*, that, *without an order restraining such a number to stay*, the Board would be *forsaken.* But the Duke (of York) while he had been in Scotland, was so far from withdrawing, that he *looked on* all the while with an *unmoved indifference*, as if *he had been to look on some curious experiment.* This gave a *terrible* idea of him, to *all who observed it*, as of a man that had *no bowels*, nor humanity, in him."—*Own Times*, vol. ii. p. 428.

LORD MACAULAY.

"The Scottish Privy Council had power to put State prisoners to the question. But the *sight was so dreadful*, that, as soon as the boots appeared, *even the most servile and hard-hearted hastened out of the chamber.* The Board was *sometimes quite deserted*; and it was at length found necessary *to make an order* that the members should *keep their seats on such occasions.* The Duke of York, *it was remarked*, seemed to take pleasure in the spectacle, which some of the worst men then living were unable to contemplate without pity and horror. He not only came to Council when the torture was to be inflicted, but *watched the agonies* of the sufferers, with that sort of interest and complacency with which men observe *a curious experiment* in science."—*Hist. of England*, vol. i. p. 281.

This bold stroke of our eccentric prelate, bold because he knew the bomb was not to explode until "after I am dead," was likely enough to pass current at the time his posthumous work appeared, which was at the commencement of the year 1724, immediately after the publication of Wodrow's less attractive calumnies. But it never was, and never could be, verified by any record, or reminiscence, existing in Scotland, of the Duke of York's brief but stormy sojourn there. Many there were to whom that ridiculous malice was most welcome:—

> "The bare-faced lie, launched with malignant force,
> Was read by thousands, who believed of course."

But from no quarter has it ever met with a shadow of verification, or any attempt to support it by that legitimate authority and proof, of which Burnet himself, for the best of reasons, had left it utterly destitute. One honest pen, however, the moment the libel appeared, gave vent to its indignation.

Digitized by Google

In "A Letter concerning the Bishop of Salisbury's History of his Own Times," dated "Edinburgh, 27th July 1724," his cowardly attack upon the dethroned and exiled monarch,—surely not too severely characterized if we also call it brutal, was thus commented upon:—

"Concerning the account which the Bishop gives of the Duke of York's cruelty, in standing by and viewing the unhappy wretches whilst under torture, so contrary to the practice on other the like occasions, of the Lords of Council, who used to withdraw from so shocking a sight,[1]—I cannot but think this *altogether the Bishop's own invention;* because it does not correspond with the character which all others give of the Duke's natural temper; and because, if he had in the least behaved as here represented, 'twas *impossible* but others, as well as the Bishop, must have heard of it and reported it. We see what a noise and clamour was made on the ill-grounded story of his favouring his dogs when he was shipwrecked;[2] and such an *extraordinary* instance of his cruelty and barbarity, in so *public and conspicuous a manner*, could not have been unknown to all the world but the Bishop: and that nevertheless it *was so*, I may safely aver; seeing, till the publishing of this *infamous collection of malicious, fabulous libels*, no part of this calumny was ever so much as suggested or laid to the Duke of York's charge by any one of his many inveterate enemies, before or since the Revolution. From whence I must conclude, that the Bishop, imagining this story would make a good figure in his *secret* history, and that it, as many others of the same stamp, would pass current on his word, was careful not to reveal or speak of it, in hope there *would be none to contradict it at the time of publishing his book;* and with a view to this and many other *notorious falsehoods*, the imaginations of his own fruit-

[1] This is loosely stated, but cannot be meant in any other sense than that those members of the Privy Council upon whom it was not absolutely incumbent to remain, in order to superintend and legalize the question under torture, in particular the Bishops, were in the habit of withdrawing from the harrowing scene. Lord Macaulay's assertion, that "as soon as the boots appeared, *even* the *most servile*, and *hard-hearted*, hastened out of the chamber," is a most ridiculous *travesty* of the fact, that no one would remain from the mere love of such sport. And as for the Duke of York's alleged exceptional and diabolical habit, Lord Macaulay might as well have told us that his Royal Highness, in like manner, was habitually present on the scaffold when traitors were hanged, drawn, and quartered; and that he especially honoured "the drowning of women" with his attendance. There is as much probability for the one allegation as the other, and as much *evidence*.

[2] Another calumny of Burnet's, of which afterwards.

Digitized by Google

ful, malicious brain, it is to be supposed that he ordered his book should not be published till seven years after his death." [1]

Never was nail more accurately hit on the head than here. But the writer was not aware that the most damning proofs against the Bishop had been furnished by himself. So we must proceed to drive it home.

At the fearful crisis, both for Throne and traitors, of the suicide of Essex, and the execution of Russell, their friend Gilbert (whom we find only once mentioned by Claverhouse, and that under the contemptuous diminutive of "Gibby,") was in a state of the most abject terror for his own safety. The letter which we have produced from the Napier Papers, not only proves the fact, but stamps with falsehood every passage in his posthumous history, wherein he parades and magnifies his own political importance; and more especially the disinterested and unflinching courage with which he professes to have clung to his noble associates in their misery, and to have been ready, at a moment's warning, and while his own life trembled in the balance, to confront, in an attitude of hostility, for their sakes, the King, the Council, and the minister. Read his miserable letter, and compare it closely with his own glorification of himself. The date of that letter is, "Sunday morning, 17th July 1683." He there confesses to the base history he is weaving in secret. We must repeat his words, in illustration of the calumny we are at present detecting. "One thing," he says, "you may, as you think fit, *tell the King*, that though I am too inconsiderable to think I can ever serve him while I am *alive*, yet I hope I shall be able to do it *to some purpose after I am dead:* this *you understand*, and I will do it *with zeal.*"—"The King's carriage to her (Lady Essex) has been so *great and worthy*, that it can never be *too much admired;* and I am sure, if ever I live to finish what *you know I am about*, IT, and all the other *good things* I can *think of*, shall not want all the light I can give them: Adieu, my dear friend, and *keep this as a witness against me if*

[1] **Historical Memoirs, Letters, and other political writings of George Lockhart Esq. of Carnwath, first published in 1817, in two volumes quarto, under the title of "The Lockhart Papers."—Vol. i. p. 600.**

Digitized by Google

I ever fail in the performance of it" And what was it the poor creature wanted? "I ask nor expect nothing," he says, "but only to *stand clear in the King's thoughts*," &c. "If you can *make the King think well of it*, and *say nothing of it*, it will be the greatest kindness you can possibly do me."[1] This was written only two years before the death of Charles the Second. Whatever can be alleged against the character of that monarch, had occurred long previously. And what happens? Burnet is constrained to quit the country. With malice rankling in his heart against his native Sovereign, whom he had approached in vain in the crawling attitude we have exposed, he becomes the willing tool of the Prince of Orange. He weaves, in secret, a record of King Charles, compounded of the most disgusting disrespect, and the vilest calumnies that ever desecrated history. Was King James likely to escape the venom of one who was ever ready to write as if his Gamaliel had been the prince of liars? In 1687, the future prelate, then in the midst of his treasonable machinations at the Hague, was summoned under a libel of high treason, and outlawed for not appearing. He wrote from the Hague to the Earl of Middleton, that he was not amenable to the jurisdiction, being naturalized by the States of Holland. At the conclusion of his letter appears this very insolent threat, that if his declinature be not sustained, he "will *appear in print*, in his own defence, and will not so far betray his own innocence as to suffer a thing of that nature to pass upon him; in which he will make *a recital of affairs that has passed these twenty years*, and a vast number of *particulars* which he believes will be *displeasing to his Majesty;* and therefore desires he may not be *forced to it.*"[2] This miserable *threat* in 1687 (most properly inserted in the charge of high treason, upon which Burnet was outlawed), is just the converse or counterpart of the yet meaner *promise* which he had offered King Charles in 1683. Nor was this the sole cause of his malice against King James. Lord Macaulay shall himself speak:—

"The great object of William now was to unite in one body

[1] See before, Vol. I. p. 48.

[2] We quote from the libel against Burnet in Maclaurin's Criminal Cases, p. 7.

Digitized by Google

the numerous sections of the community which regarded him as their common head. In this work he had several able and *trusty* coadjutors, among whom were pre-eminently useful, *Burnet* and *Dykvelt*. The services of Burnet, indeed, it was necessary to employ with some caution. The kindness with which he had been welcomed at the Hague, had excited the *rage of James*. Mary received from her father two letters filled with *invectives* against the insolent and seditious divine whom she protected. But these accusations had so little effect on her, that she sent back answers *dictated by Burnet himself*. At length, in January 1687, the King had recourse to stronger measures." An envoy was sent, " to demand that Burnet should no longer be countenanced at the Hague. William, who was not inclined to part with a *valuable friend*, answered at first with his usual coldness, ' I am not aware, Sir, that, since the Doctor has been here, he has done or said any thing of which his Majesty can justly complain.' But James was peremptory: the time for an open rupture had not arrived; and it was necessary to give way. During more than eighteen months, Burnet never came into the presence of either the Prince or the Princess: But he resided near them: He was fully aware of all that was passing: His advice was constantly asked: His pen was employed on all important occasions; and many *of the sharpest*, and *most effective tracts*, which about that time appeared in London, were justly attributed to him."[1]

So much for the man, and *his motive*, and for the credit that is to be given to his posthumous history of his " Own Time." Now, let us see in what manner this systematic calumniator proceeded to fulfil his threat against the monarch. To certain paragraphs of pollution which he bestows upon the Duke, his Duchess, and their whole offspring, we can only allude. They compose one of the rankest pages of his scandalous chronicle, conceived in terms indicating this prelate to have been by nature rather fitted for the stews than the Church; and that the man who could leave behind him, for publication after his death, such brutal impurities, and with the deliberate inten-

[1] Lord Macaulay's History, vol. ii. p. 502-4.

Digitized by Google

tion of destroying character *per fas aut nefas*, must have been destitute of every attribute that distinguishes the gentleman and the Christian. The passages to which we allude, and which cannot be quoted, occur in his so-called history of the reign of Charles II., under the year 1665. They must have been concocted in the very opposite humour,[1] and state of mental debasement, from that which dictated his abject plea to the King himself, in 1683, that if he would spare him, Burnet, his Majesty's "great and worthy, and never to be too much admired" conduct, "and *all other good things I can think of*, shall not want all the light I can give them. I hope I shall be able to do it to some purpose *after I am dead:* This you understand, and *I will do it with zeal.*"[2] The direct converse was indeed "done with zeal," in that posthumous chronicle of scandal, against every member of the fallen dynasty. Having thus disposed of the moral character of the last of the Stewarts, and grossly insulted all his race, Burnet proceeds to illustrate the selfish and savage inhumanity of that monarch's nature. First, we have the story of the shipwreck, the dogs, and the priests,—a stupid, clumsy calumny, which was brought to the

[1] Even Lord Macaulay admits Burnet's dishonest accommodation, of the chronicles he was cooking in secret, to his own humour of the moment. With a strange oblivion of his previous commendations, quoting from Burnet's MS. in the British Museum, his account of Marlborough's alleged secret correspondence with France, he thus characterises the Bishop: "It is curious to compare this *plain tale*, told while the facts were recent, with the *shuffling narrative which Burnet prepared for the public eye* many years later, when Marlborough was closely united to the whigs, and was rendering great and splendid services to the country."—*Hist. of England*, vol. vi. p. 172.

[2] And after the Bishop was dead, "all the good things he could think of," and the "doing it with zeal," appeared in the shape of the most false and brutal calumnies against the King, from the accusation of *cowardice* at the battle of Worcester, to that of *incest with his own sister*? He thus *sums up* the character of the Sovereign whom he had *conditionally* (so late as in 1683) promised to praise *with zeal*. "He had great vices, but scarce any virtues to correct them. He delivered himself up to a most enormous course of vice, without any sort of restraint, *even from the consideration of the nearest relation*."—Se his *Own Times*, vol. i. p. 168, and 550, *note;* also vol. ii. p. 480–1. The sentence we have given in italics, alludes to a vile falsehood previously insinuated by Burnet (and indignantly repudiated by Fox in his History of James II.), that the affection between Charles II. and his sister the Duchess of Orleans, was criminal to the last degree. When did the Bishop *think of that good thing*?

Digitized by Google

test, and destroyed by Sir John Dalrymple, in his Memoirs of Great Britain. That excellent and conscientious whig historian does not spare the character of James II., which was vulnerable enough. He adds, however: "But, while we form a judgment of James's character from intrinsic evidence, that of his own letters, let us not condemn him by the *lies of party*. Bishop Burnet, in giving an account of the Duke's shipwreck, imputes the loss of above one hundred persons, of the noblest blood in Britain to the insensibility of the Duke of York and Lord Dartmouth; and would have it believed, that, while the Duke neglected his friends, he saved his *dogs and his priests*. I have, fortunately, copies of two letters, which *disprove* the imputation; one of which I got from Sir Alexander Dick of Priestfield, and the other from the present Earl of Dartmouth, the *grandsons* of the persons who wrote the letters." The refutation afforded by these letters, which Dalrymple gives entire, is complete.[1] Nor was this historian deceived by the yet grosser calumny which follows, of the Duke of York's inhuman propensity, to attend, *con amore*, the exhibition of agony under torture. Like Lockhart of Carnwath, Sir John Dalrymple also had read falsehood on the face of a passage which Lord Macaulay has made his own. He says: "It was even reported that he (the Duke of York) attended, with *curiosity*, the torture of state prisoners, and beheld their agonies with *indifference:* And these reports, though *probably false*, raised a general horror

[1] We were enabled, of late years, to furnish another most *complete* detection of Burnet by the same unanswerable test. In a passage of his posthumous work, so suspicious that his original editors had *suppressed* it, Burnet records, that Queen Henrietta Maria conceived an *aversion* to the great Marquis of Montrose, because, after being with her in Paris, on the all-engrossing subject to both, of restoring the young King, he, the Marquis "*had talked very indecently of her favours to him:*" and that her Majesty, for that reason, *had banished him from Paris* in the spring of 1648! Now, we produced from the Montrose charter-room eight original letters from Queen Henrietta to Montrose, the first dated 31st May 1643, and the latest 31st December 1649, embracing the period of the alleged scandal and disgrace. *Four* of the letters bear date in the year *immediately following* that of the alleged disgrace. Each and all of these letters express the same queenly admiration of Montrose's high-minded and heroic loyalty. There is but one theme between them, one common feeling, namely, the fate of the monarchy. These letters prove, to *absolute demonstration, the utter falsity* of the scandal recorded by Burnet.—See our *Memorials of Montrose*, printed for the Maitland Club, 1850, vol. ii. p. 333; and our *Memoirs of Montrose*, 1856, vol. ii. p. 698.

Digitized by Google

even from the chance of their being true. Wodrow gained *credit* to the story of the Duke's attending torture, by appealing to the record of the Privy Council in the case of one *Spreul*. I have examined the record, but can find no reason for Wodrow's imputation." This well founded, but imperfectly digested note, might leave the impression that Wodrow seems to authenticate Burnet. The very contrary is the case, as we have already shown. The Scotch martyrologist only alleges the Duke's presence upon the single occasion he mentions, and that so incidentally, and in terms so cursory and inconsequential, as to amount to a *contradiction* of Burnet's libel. The laborious Dalrymple (having enough on his hands otherwise) had not observed that this failure to corroborate Burnet, as regards this remarkable scandal (so valuable to Wodrow had it ever been breathed before), really afforded another justification of that severe judgment which Dalrymple passes upon the Bishop in these same valuable memoirs: "It may appear," he says, "ungenerous in the living to throw reflections on the dead. But it is a piece of justice I owe to historical truth, to say, that I have never tried Burnet's *facts* by the test of dates, and of *original papers*, without finding them wrong. For which reason, I have made little use of them in these memoirs, unless when I found them supported by other authorities. His book is the more reprehensible, because it is full of *characters*, and most of them are tinged with the colours of his own weaknesses and passions."

Lord Macaulay found what is vulgarly called a *mare's-nest* in the fact he so triumphantly notes (a fact notorious to all who ever consulted the Register House in Edinburgh for historical purposes), that the register of the *Acta* of the Council between the dates he mentions, had been missing from our archives since a period long prior to that when Dalrymple wrote.[1] Wodrow

[1] See note to Lord Macaulay's History of England, vol. ii. p. 72, *last edition*. The volume to which he refers as missing, embraces the whole period of the Duke of York's presence in Scotland; which was only during the year 1681, and until the Spring of 1682. The *Acta* register of the Privy Council, from August 1678 to August 1682, has never been in the Register House. When Wodrow was busy with his History, he found these records in *private hands*, before they were transferred to the public archives. He mentions the fact in his correspondence, but with his usual *reticence*, does not tell in what "private hands." They must have

Digitized by Google

erroneously refers to the Council Register *within* those dates, for the names of the committee appointed to put Spreul to the

been with some of the Clerks of Session, who were formerly the Clerks of Council. But the well known *hiatus* to which Lord Macaulay refers (with a triumph that is not very intelligible), also existed when Wodrow was grubbing; for he says, in a letter to his friend Redpath, dated 3d September, 1717,—"There is a volume of the *Council Registers*, from August 1679 to August 1682, *a-wanting*"; being the same period mentioned by Lord Macaulay. But this creates a great puzzle when compared with Wodrow's account of Spreul's torture. After quoting, *as if* from the Register of *Privy Council*, the names of the committee appointed to question Spreul under torture, the questions that were to be put, and the concluding order to report the result to the Privy Council, Wodrow adds:—"I find *no report in the Council books, because* nothing was expiscate by torture which was not before acknowledged."—(*Hist.* vol. iii. p. 257.) Now, this is just a little paltry disingenuousness, characteristic of Wodrow, who had *not* seen any *Council register* on the subject. What he has *quoted*, had only been discovered by him (where we have also found it), in the record of Spreul's subsequent trial for high treason, in the books of *Justiciary*, because it happened that an *extract*, from the Privy Council register, of their previous *order* for Spreul's torture, was produced on his trial. Of course, the committee on the torture must have reported, in terms of that order. Had the register from August 1678 to August 1682 been extant, the *report* also would have been found. And Wodrow assigns a *false* reason for not finding it, when he says,—"*because* nothing was expiscate by torture which was not before acknowledged." Truly, it was because he had not been able to discover the missing volume of the Register. In his History he seems anxious to give the impression that he *had* command of that portion of the Register as well as of all the rest; and it is only by groping in his private correspondence, that we find his own confession,—"There is a volume of the Council Registers, from August 1678 to August 1682, which is a-wanting." The *Justiciary* records, however, suffice to prove, by the production of the *order for torture*, the important fact that the Duke of York was *not on that committee*; and if Lord Macaulay thought, that, by triumphantly pointing to the *hiatus* in the Privy Council Register, he paralysed that defence for the Prince, the noble historian had reckoned without his host. If, as he and Burnet assert, it was an *habitual enjoyment* of the Duke's, to be present at the torture, would he not have caused himself to be put *on the committee?* especially if all the rest were inclined to run away.

Moreover, in his pretended quotation from the *Council* register, Wodrow has garbled what he found in the *Justiciary* record. He gives it thus:—"The Lords of his Majesty's Privy Council having good reason to believe, that there is a principle of murdering his Majesty," &c. But in the record it stands thus:—"The Lords of his Majesty's Privy Council having, *by several clear testimonies, found that they have very* good reason to believe that there is a principle of murdering his Majesty," &c. Again, Wodrow gives it thus: "Ordain them to be subjected to the torture, upon such interrogatories as relate to these three points: 1st," &c. But, what he professes to quote stands thus:—"Ordain the said John Spreul and Robert Hamilton, now prisoners, to be subjected to the torture *upon such interrogatories as relate to these several points to which, they have good reason to believe, they can give much light and discovery.* 1st," &c. Wodrow garbled (in favour of his own calumnies) the letters of Archbishop Sharp after the very same fashion.

Digitized by Google

question; and Dalrymple rightly says, that nothing is to be found there to justify the allegation of the Duke of York's presence. But he had read Wodrow's confused and prolix account too hastily, if he supposed the martyrologist to mean that he had found *that* fact in *any* register. Wodrow only insinuates, in terms by no means explicit, that he had it from Spreul himself (a very exceptionable authority), more than thirty years after the event; and he also speaks vaguely of private "papers" on the subject of Spreul's case; which papers, as usual, he neither produces nor describes. As the Duke of York (of course) was not on the committee for torture, his presence as an *amateur*, had that most improbable fact occurred, would not have entered the register of Council. But Lord Macaulay appears not to have been informed that the *hiatus* in question was quite inconsequential, as regards extraneous matter, or general details; and, moreover, that the blank has been more than filled up, as regards facts and incidents illustrative of proceedings in Council while the Duke was in Scotland, by other contemporary records which the noble historian would seem to have disdained to search. During the whole period of his royal Highness' presiding in Scotland, the pen of that indefatigable whig lawyer, Sir John Lauder of Fountainhall, was never out of his hand. His curious, and by no means friendly eye, was never withdrawn from the proceedings of the Privy Council. The movements, the conduct, and the demeanour of the royal Duke himself, was watched by him continually, as a comet is watched among the stars. We find him noting, from day to day, his presence at the various high tribunals of the country, civil and criminal, at Privy Council, Session, and Justiciary, as circumstances induced the Prince to attend. We find him, illustrating his dispositions, recording his opinions, and commenting upon his character. And there is not a sentence, not a word, to be discovered in all those minute diaries, connecting the name of the Duke of York with the subject of torture, or indicating that he had ever been present at its infliction, even upon a single occasion, or casting the slightest imputation upon his humanity. Nor can this be imputed to courtesy, or deference towards his rank and position. In jotting down, privately,

Digitized by Google

his valuable and minute *notanda*, Fountainhall, of course, was on no ceremony with royalty.[1] Referring to the Parliament of 1681, he says: "The great champions, and Hectors, who managed the debate upon the Duke of York's side, during all this Parliament, were, the King's Advocate; the Treasurer-Depute; Haddo; and Tarbet, who voted with them some days after its beginning. Some *wise men* observed, that the Duke of York might have *honesty*, *justice*, and *courage* enough, and his father's *peremptoriness*, but that he had neither great conduct nor a deep reach in affairs, but was a *silly man*."[2] Not very complimentary this; nor altogether just, as Fountainhall himself shews by more than one example. But would the criticism have been so limited, had there been a vestige of truth in Burnet's base and ridiculous scandal? Then, ever and anon, this vigilant opponent of the Lauderdale government, notes some illustrations of the dispositions, and sentiments of the maligned Prince. And what do they prove? Certainly not that he was either a savage, or "a silly man." They afford evidence of good sense, good temper, sound reflection, and humane dispositions. One of the kirk-abominations of Scotland was the "cutty-stool." The tendency of thus turning the place of divine worship into a pillory, was to demoralise; and to promote infanticide. Fountainhall himself had no very humane or advanced ideas on the subject of

[1] Fountainhall's MS. Collections, that have been printed, are as follows:—

1st, "The Decisions of the Lords of Council and Session, from June 6th, 1678, to July 30th, 1712: Collected by the Honourable Sir John Lauder of Fountainhall, one of the Senators of the College of Justice: Containing also the Transactions of the Privy Council, of the Criminal Court, and Court of Exchequer, and interspersed with a variety of Historical Facts, and many curious Anecdotes."—*Edinburgh*, 1759, 1761, 2 vols. folio.

2d, "Historical Observes of Memorable Occurrents in Church and State, from October 1680 to April 1686; by Sir John Lauder of Fountainhall." This was printed for the Bannatyne Club, in 1840, under the joint and able superintendence of Adam Urquhart, Advocate, and David Laing, Secretary of the Club.

3d, "Historical Notices of Scottish Affairs, selected from the Manuscripts of Sir John Lauder of Fountainhall, Bart." This valuable work, in two large volumes quarto, also appeared under the auspices of the Bannatyne Club, in 1848, very laboriously and ably edited by its Secretary, Mr Laing. It embraces the period from June 1661 to July 1688.

[2] Historical Notices, vol. i. p 327.

Digitized by Google

legislating against the crime of child-murder. He would have had *concealment* made capital (where the death of the infant ensued), as amounting to a presumption, *juris et de jure*, that the mother had murdered it. "And it were *to be wished*," he says, "that we had such a statute made with us as I find they have in England, that it shall be *murder* for the mother *not to call for help*, or to *conceal the death* of her bastard-child; which would prevent exceedingly the destroying of children, if these *violent presumptions* were made *enough*." The Duke of York, however, took a more humane, and a more enlightened view, of this sad evil and its causes:—

"April 13, 1681:—A poor woman was this day hanged at the Grassmarket of Edinburgh, *pro infanticidio in proprium suum fœtum commisso*. They say, that she declared, one of the main temptations which induced her to murder her child, was to shun the ignominy of the church-pillory; which the *Duke of York hearing*, and *informing himself* of our custom, and that it was used in no other place of the Christian world, and that it rather *made* scandals than *buried them*, and increased whoredom rather than brought the committers of it to any penitent sense of their sin, and that it was not used for drunkenness, swearing, Sabbath-breaking, lying, and other enormities,—*the Duke was displeased*, and thought it would be a more efficacious restraint, if the civil magistrate should punish them, either by a pecuniary mulct, or a corporal punishment."—*Historical Notices*, i. 289.

There was no less good sense, and anxiety for the well-being of the community, displayed in the following instance:—

"21st June, 1681:—At *Privy Council*, upon a motion from the *Duke of Albany and York*, the Magistrates of Edinburgh were called in, and it was recommended to them, to call the *merchants* before them, and *discharge them to extortion the lieges*, by taking great and exhorbitant prices for the merchandise, now prohibited to be *hereafter imported*, by the late proclamation, on the pretence that there were no more of that kind to be imported within the kingdom."—*Historical Notices*, i. 299.

Another of his appearances at the Board of Privy Council, shews most favourably for his good sense and kindliness.

Digitized by Google

M'Gill of Rankeillor's son had the misfortune to kill Balfour of Denmiln. The King had granted him a remission, with this condition attached, that, to prevent bloodshed, he should never be seen in Fife. The aged father, when on his death-bed there, desired to see his son. He petitioned the Privy Council, in the month of May 1681, that "they would relax so much of the punishment as to allow his son to come and see him: The *Council doubted* if they might do this; but the *Duke of Albany affirming* that he believed the King *would not refuse this desire of an old dying gentleman*, they granted it in these terms, that he should go with a guard like a prisoner, and stay but twenty-four hours, and then depart out of Fife, where the friends of him that was killed live."[1] Would a fiend, such as Burnet and Macaulay portray the Duke, have cared about the paternal "desire of an old dying gentleman"? Then, if his most luxurious private lounge was the chamber of horrors, surely his most pleasant public spectacle would be the scaffold and the gibbet? On the contrary. The Duke of York repeatedly exerted himself to save life, and even the lives of those who would have taken his without the least remorse. One Neving, the master of a ship, was put upon his trial, in the month of July 1680, for some violent scandal against his Highness, to the effect that he was "on the popish plot for taking away the King's life, and overturning our religion and government, and that he was to consent to the bringing over the French king with an army into Britain; and that he had come himself to Scotland to make a popish faction there." Fountainhall adds, that this was "spoken in his cups, and with some qualifications." But that was a crisis when cups and qualifications could not be allowed to exonerate every violent declaimer from the consequences of uttering such dangerous scandal against the King's popish brother. The intemperate sea-captain was tried on the capital charge of leasing-making between the King and his people. Fountainhall, as a lawyer, justly doubted the relevancy of that charge as regarded the King's brother. He thought, at most, it amounted to *scandalum magnatum*. Seven of the jury thought so too. Other seven pronounced the panel guilty as

[1] Historical Notices, vol. i. p. 292.

Digitized by Google

libelled. Their chancellor turned the scale against the accused, who, on the 16th July 1680, was found guilty accordingly. Sentence, however, was delayed until the 4th of August, when Captain Neving was condemned to die on the 18th of that month. It is matter of history, that, had the object of the alleged leasing-making been a potentate of the dispositions of the Marquis of Argyle, no considerations of law or lenity would have induced mercy.[1] "But," says Fountainhall, "the *Judges knew*, that the King, *by the Duke of York's mediation*, was sending a remission, at least a letter converting the sentence to banishment, and confiscating his ship and all his goods; but preferring his *creditors* to his fisk."[2] To the last moment the Duke was ever anxious to save the condemned if he could, as the following instance may suffice to illustrate:—

"March 2, 1681:—There were three persons hanged at the Grassmarket of Edinburgh, for disowning the King's authority, and adhering to Cargill's Covenant, Declaration, and Excommunication, and thinking it *lawful to kill the King and his Judges*. Their names were Gogar, Miller, and Sangster. If they would but have acknowledged his Majesty, they would have been pardoned. Yea, when they were upon the scaffold, the Earl of Roscommon, *by a privy warrant from the Duke of York*, came and offered them their lives, if they would but say *God save the King*. But they refused to do it; though Daniel wishes *Nebuchadnezar* and *Darius*, heathen kings, to live for ever."—*Historical Observes*, p. 29.

In the previous month, Fountainhall also records this trait of humanity in favour of the Royal Duke:—

"In February 1681, General Dalyell executed much severity against one of his poor soldiers, for stealing a pair of pistols out of the magazine. He caused shoot him to death. Another, being sentinel at one of the gates of the Abbey, was found sleeping when the Duke

[1] Argyle, upon these statutes of leasing-making, demanded from the covenanting government, obtained of course, and most inexorably exacted, the life of John Stewart of Ladywell, Commissary of Glasgow, in the year 1641, for telling the truth of Argyle himself. See our *Memoirs of Montrose*, 1856.

[2] Historical Notices, vol. i. p. 268.

Digitized by Google

of York passed. Dalyell caused sentence him, in a court-martial, to be shot; and, for that purpose, he was carried to Leith Links; and, when all was ready, *the Duke of York interceded for his life, and obtained it.* Some exclaimed on this *Muscovian* rigour, as too severe in time of peace, and that the rigour of discipline was not absolutely necessary save *tempore belli*, or in a garrison, and besieged town: others called them wholesome examples, to repress the natural insolency and luxuriancy of soldiers."—*Historical Observes*, p. 28.

And in the following year we find this mercy set down to the account of the maligned Prince:—

"May 13, 1682:—At Privy Council. Learmonth, M'Lennan of Barscob, one Fleming, and other persons, for being at Bothwell Bridge, are brought in: and, on disowning of rebellious principles, *the Duke declared he would intercede with his Majesty for pardons and remissions to them.*"—*Historical Notices*, i. 357.

Is this the man who, while holding the rank of Sovereign in Scotland, himself heir-presumptive of the Throne, was solely occupied there "*amusing himself* with hearing Covenanters shriek, and seeing them writhe, while their knees were beaten flat in the boots"? Was ever calumny more gross, or more manifest? But Fountainhall makes it more manifest still, by his narrative of a terrible scene occurring towards the close of the same year, which we must also give in his own words:—

"October 1, 1681:—Colonel Gage, commander of a regiment for the King of Spain in Flanders, called the Duke of York's Regiment, having desired from the Duke some of those who were prisoners on account of their religion and fanaticism, to be sent away with him, as soldiers, to fill up his number, the Duke called a Council for that effect, and six of them, viz. Forman, Garnock, Lapsley, Stewart, Fairnie, and Russell, the most of them young fellows, were brought with a purpose to sentence them to be delivered to him; but they did so misbehave, in declining the King, Duke of York, and Council, and *speaking such notorious treason*, that it altered the Council's mind, and instead of sending them away, they ordained them all to be *panelled at the Criminal Court for treason.*"

Digitized by Google

" October 7, 1681:—At Criminal Court, the six persons mentioned *supra*, were panelled for treason, on their declarations they had made before the Privy Council on the 1st current. The King's Advocate being in Angus, sent over a deputation to me to pursue, as his Substitute, in that cause; but God so ordered it that I was freed, and Sir William Purvis eased me of the office. In fortification of what they said before the Duke and the Council, they lead the clerks and macers of Council as witnesses, who deponed, that, upon the matter, they uttered these, or such like words: '*They declined the King, and denied him to be their lawful Sovereign, and called him a tyrant and covenant-breaker.*' And *Forman had a knife*, with this posie and inscription graven on it, '*This is to cut the throats of tyrants;*' and said, '*If the King be a tyrant, why not also to cut his throat; and, if they were righteous Judges, they would have the same on their swords;*' like Buchanan's motto, borrowed from the great Emperor Trajan, *Pro me; sin mereor, in me. Garnock* having, at a Committee of Council, railed at General Dalyell, calling him *a Muscovia beast, who used to roast men*, the General, in a passion, struck him with the pommel of his shabel on his face till the blood sprung. Garnock gave in a *testimony*, and protestation, all written and signed with his own hand, calling them all *bloody murderers and papists;* and charging all the *Parliamenters*, as he called them, quickly to reverse and disannul their wicked laws they had made, and that Popish test they had been taking, and to put away that sinful man, *meaning the Duke of York*, or else the judgments of God were ready to break upon the land. *Lapsley* was wiser than the other five; for he owned the King in so far as he *owned the Covenant* which he owned at his coronation at Scone; and would neither go back nor forward, nor say any more; so, they not being able to reach his life, the diet was deserted against him, and he was sent back to the thieves' hole to be fettered again. But while they were on the panels the bolts were taken off them; so *non dicebant causam ex vinculis*. Before inclosing the assize, they gave in another paper, subscribed with all their hands, charging their blood on the Judges, and summoning them to answer at God's tribunal, and reflecting on their unjust and barbarous dealing with Mitchell, Messrs John Kid and King; and alleging Mr John Ellies, for pursuing them, died with horrors; and for killing James Lermonth, only for being present at a field conventicle where a man was killed, &c. These five were found guilty by the jury, and condemned to be hanged in the Gallow-lee, betwixt Leith and Edinburgh on the 10th of October; their heads to be struck off, and set upon pricks upon the Pleasance Port of Edin-

Digitized by Google

burgh; and Forman's hand, *who had the foresaid knife*, to be cut off alive; all which was accordingly done; and they died obstinately, without acknowledging any fault, or retracting their errors, or allowing ministers to pray for them. Their bodies were stolen up by some of their party from under the gibbet, and re-buried in the West Kirkyard."—*Reports of Decisions;* and *Historical Notices*, i. 331.

What government could avoid trying these men for high treason, under such circumstances, and at such a crisis? This was only the second year after the murder of the Primate, whose assassins were yet eluding every exertion of the executive to bring them to justice. The authors of such incendiary works as *Naphthali* and *A Hind let loose*, and the savage but cowardly conventicle preachers, had rendered these wretched victims unfit to live, and unfit to die.[1] It was not the *Muscovian* severity of General Dalyell that had excited them thus to rush, franticly and senselessly, upon their own ruin. But their truculent insanity it was, displayed publicly, even at the bar of the highest tribunal of the land, with royalty presiding, their frightful denunciations of all constituted authority, coupled with the grossest personal insult to the Commander-in-chief, that irritated him. What wonder that it caused the fiery blood of that haughty old soldier of a hundred fights, and every clime, to boil over, till he committed a sudden outrage

[1] Their great apostle, Cargill, was hanged, along with four of his deluded disciples, at the Cross of Edinburgh, on the 27th of July 1681. Fountainhall thus records it:—"They all died a great deal more stout and firm than their leader Cargill, who *behaved most timorously to save his life* (if it could have been converted to banishment), and *minched their principles*, and begged for a longer time, that he might be judged in Parliament; but finding there was no remedy, he put on more staidness and resolution after his sentence."—*Historical Observes*, p. 45. This was by no means a solitary example among these firebrands, to whose outrageous desecration of the clerical character, and sacred calling, is to be attributed all the sufferings of their deluded followers, and all the severities of the Restoration. To say that those severities (ever to be lamented) originated in a design, or desire, to root out a conscientious and peaceable form of religion from among a saintly peasantry; or (to put it in the words of Lord Macaulay), "to extirpate Presbyterianism by the drowning of women, by the frightful torture of the boot," is neither history nor sense. Fountainhall records:—"12th November 1680, William Johnston, and some other merchants, were seized on, upon a suspicion; but there being no evidence against them, further than that they were *strict Presbyterians*, they were set at liberty."—*Historical Observes*, p. 8.

Digitized by Google

upon the dignity, the humanity of justice, which, though less remarkable in those stormy and disjointed times, none could justify then, or would justify now. But, if Burnet and Macaulay are to be believed, how well the horrid scene must have chimed in with the genius of the Duke! How much more agreeable to him that terrible explosion, and tragic result, than acting as recruiting officer for Colonel Gage in Flanders! And had his Royal Highness no more such specimens of Scotch martyrs to produce at the bar? No more bag-wolves to afford such sport to himself and the Privy Council of Scotland? He had, indeed, at their very next meet, as Fountainhall also thus narrates:—

"October 11, 1681:—The Duke of York called a council extraordinary to send away *four more* of these unhappy people, of so deluded principles, with Colonel Gage to Flanders. When they were brought in, they began in that very strain and dialect with their neighbours who were but hanged the day before. But *the Duke* caused *hastily* remove them, *that they might not also hang themselves with their own tongues.*"

This "hasty removal" is most expressive of humanity. And now, indeed, we may take the liberty to repeat the words of Lord Macaulay, but with a very different meaning in the emphasis: "*Thus* he employed himself at Edinburgh, till the event of the conflicts between the Court and the Whigs was no longer doubtful: he then returned to England."[1]

[1] Lord John Russell, in his biography of his unfortunate ancestor, says of King James:—"Yet it must not be imagined that James was without virtues. He was *kind to his friends*, and naturally *just and true* in his commerce with the world." They are few Kings who would have been kind to such an enemy as William Lord Russell was to that unfortunate Prince. Lord John, however, concludes with this drawback upon the good qualities he had assigned to him:—"But his bigotry, joined to his unnatural position, *blotted out* his good *inclinations*. The countenance he gave to the judgment against Argyle; *his assistance at the torture in Scotland*; and his attending races in the neighbourhood when Lady Lisle was executed, leave an indelible stain upon his memory."—*Life of William Lord Russell*. Manifestly, the *gravamen* of this final condemnation, is that nonsense about "his *assistance* at the torture in Scotland." The rest is but leather and prunella, introduced to fill up the libel, and could easily be answered. Then, in the same biography, Lord John, in the face even of Wodrow's record to the contrary, and without even the

Digitized by Google

SECTION IV.—*Claverhouse's first Campaign against the Conventiclers, how it came about, and how it ended.*

Well, then. In reference to such a character as Claverhouse, manifestly these great historical tongues are no scandal. Their portraits of our hero we may now entirely disregard. We cannot discover that a single instance to justify the character of cruelty, has been proved against him by any one of these authors. And whether the general abuse of "Bloody Clavers" be served up in wearisome, vulgar Wodrowana, malicious *mortis causa* Burnetism, or brilliant, bullying Macaulese, we may rest assured that *dolus latet in generalibus*. Let us turn, then, for something nearer the truth, to Dundee's own dispatches, and to the private correspondence of those great and powerful Scottish nobles, and statesmen, with whom this captain of horse, who so late as 1678 dropped among them as if from the skies, and amid a chaos of personal contentions and exclusive rivalries, at once established himself, in the most rapid and marvellous manner, upon a footing, we may say, of aristocratic equality, both in private counsels and public conduct. In February 1678, while yet a stranger in his native country, he is urged, as we have seen, to become lieutenant to the young Marquis of Montrose. In December of that same year, we find the Marquis in command of the royal troop of Scotch Guards, and his *elève*, the laird of Claverhouse, just starting

authority of Burnet to excuse it, is pleased to speak of "a young preacher named *Macaail*, whom they barbarously tortured; he *expired in the midst of his agony*, exclaiming, with a sublime enthusiasm,—'Farewell the Sun and Moon! The World, and all its *delights*, farewell! Welcome God my father! Welcome Christ my redeemer! Welcome glory, and eternal life! Welcome Death!'"!—*Lord John Russell's Life of William Lord Russell.* If history is to be written after this fashion, what may not be made out against the governments of the Restoration. If we are to believe that such Ossianic strains could be uttered by a human being *expiring of exhaustion* under excess of torture, then may we believe in the saint who carried his own head under his arm. But Kirkton himself expressly tells us, in reference to this case of torture, that "the executioner *favoured* M'Kail." On the 4th of December 1666, he was subjected (for discovery of a desperate intrigue with Holland against the State), to what the fanatical Lord Crawford was wont to call "gentle torture." On the 24th of that same month he was hanged, for rebellion.

Digitized by Google

on his first campaign against the western conventiclers, with the rank of Captain, in command of his own troop of horse, and of two newly raised troops of dragoons. Thus his career in Scotland only dates from the commencement of 1679.

But the events of 1678 were the immediate cause of his active employment. Great political excitement, and military activity, prevailed during that year in Scotland. Lauderdale's constant exertions, and energetic measures, to extinguish the long smouldering rebellion of the Argyle rump, met with a vast deal of factious opposition from quarters where, in that vital struggle for the standing of the restored dynasty, he was entitled to expect support. Doubtless, with so determined and passionate a man, the discreditable cabals to supplant him at the side of his Sovereign in danger, occasionally engendered ministerial measures, for the control of Scotland, that were more energetic than practicable, and more peremptory than politic. The tremendous fulminations contained in royal letters and proclamations, Privy Council orders, and penal acts of Parliament, though based on perfectly true statements of the disorganized condition of Scotland, and the unbearable provocations which the government of the Restoration there met with, were too much akin to the mistaken expedient of firing wide at a furious mob. Where they happened to operate, the least guilty were the most apt to suffer. Death to preachers and nonconforming performers at field conventicles, was a statutory *brutum fulmen* of the year 1670.[1] It was not

[1] In the month of August 1670, there passed various Acts, by way of laying the demon of the Covenant: an Act against such who shall refuse to depone against delinquents: an Act against Conventicles: an Act against Disorderly Baptisms: an Act against separation, and withdrawing from the Public Meetings of Divine Worship: and an Act against Invaders of Ministers. In these days, no doubt, and *abstractly* considered, the following legislation seems terribly tyrannical:—"His Majesty understanding that divers disaffected persons have been so maliciously wicked and disloyal as to convocate his Majesty's subjects to open meetings in the fields, expressly contrary to many public laws thereanent; and considering that these meetings are the *rendezvous of rebellion*, and tend in a high measure to the disturbance of the public peace, doth therefore statute and declare, that whosoever, without licence or authority foresaid, shall preach, expound Scripture, or pray at any of these meetings in the field, or in any house where there be more persons than the house contains, which is hereby declared to be a field-conventicle, or who shall convocate any number of people to these meetings, shall be punished with

Digitized by Google

oppression of the people. It was mere legislative threatening. Sir George Mackenzie vindicates, with perfect success, the good faith and intentions of the governments of the Restoration against the outrageous calumnies heaped upon them at the Revolution. But he does not pretend to justify, to future and riper ages of social government, the policy or wisdom of all the measures adopted for the standing of the Throne, and the restoration of order in Scotland. "The State," he says, "considering that, by the laws of all nations, rising in arms is to be accounted rebellion, and that a *preacher's* presence could legitimate the action no more than a priest could transubstantiate the elements, they declared, by several acts, field meetings to be the *rendezvouses of rebellion;* notwithstanding all which, these dissenters proceeded, as from house to field meetings, so from field conventicles to publish *proclamations*, declaring that the *Covenant* was the original contract betwixt God, the King, and the People; and therefore, that King Charles the Second having broken it, *forfeited his crown*, and being to be considered only as a *private subject*, and *enemy to God*, they had declared a just war against him, and that it was *lawful to kill him*, and all who served him, following, as was pretended, the noble examples of Phineas and Ehud; and in consequence of this doctrine, they murdered the Archbishop of St Andrews, and several others." Sir George adds, and with perfect truth, that the various "acts against field

death, and confiscation of their goods." But the Argyle rebellion had been struggling against the restored throne for nine years, under such pretences of divine worship, before this *brutum fulmen* was issued; and the nature of the provocation, and the state of the country, may be understood from the terms of the Act against invading ministers, which passed at the same time:—"Forasmuch as the *assaulting of ministers*, and the *invading of their houses*, be atrocious crimes, often prohibited and discharged by law, under high and severe pain; and yet, such has been the wickedness of some loose men, rebels and vagabonds, that of late they have in several places *in the nighttime*, invaded and broken in upon ministers' houses, *assaulted and wounded their persons*, and pursued them for *their lives*, and the King's Majesty having a just indignation of such horrid and unchristian villainies, hath thought fit to brand the same with a signal mark of his displeasure, and therefore his Majesty, with the advice and consent of his Estates in Parliament, doth hereby statute, enact, and delare, that whatsoever person or persons shall be found guilty of *assaulting the lives of ministers*, or *robbing their houses*, or actually attempting the same, shall be punished with *the pain of death*, and the confiscation of their goods."

Digitized by Google

conventicles were the necessary product of new accessional degrees of rebellion; and were not *punishments* designed against *opinions in religion*, but merely against *treasonable combinations*, which exceeded what was attempted in England, or elsewhere; and the Governors (for the time) can truly and boldly say, that no man in Scotland ever suffered *for his religion;* but if any will pretend that *religion* obliges him to *rise in arms*, or to *murder*, this principle ought neither to be sustained as a defence, nor the obviating of it to be made a crime."[1]

That these conventiclers were armed for no other purpose than to defend divine worship from the intrusion of dragoons, though pretended by themselves, and reiterated by such writers as Wodrow and M'Crie, is utterly untrue. And, strange to say, these two bigoted champions of a cause which owes all its plausibility to the sacrifice of truth, have themselves furnished proofs against their own assertions that are perfectly irresistible. The learned and laborious biographer of Knox, had discovered, among Wodrow's manuscripts in the Advocate's Library, an original certified extract, in the Dutch language, from the Secret Resolutions of the States-General, unequivocally importing a most treasonable design concocted between the Covenanters and that foreign enemy. To Wodrow we are indebted for the preservation, but not the *disclosure*, of the traitorous document. Dr M'Crie, however, manfully enough, published a translation of it, in an editorial volume that is but rarely read.[2] We are too happy to avail ourselves of his able pen, for an illustration that is very ger-

[1] Sir George Mackenzie's Vindication, 1691. With regard to the act 1670, the most extreme legislative measure passed by the Parliament of the Restoration, Sir George says :—"The Parliament finding that the preaching up of rebellion in private conventicles had occasioned all this danger to *King* and *People*, and that nothing could be secure whilst every thing could be *preached*, they enacted, that the ministers who preached at conventicles should be capitally punished; but, by virtue of this Act, no man was ever *punished*, much less *executed*." The mendacious fanatics, however, persisted in asserting, that every execution of a rebel, however dangerous, even where murder was involved, was simply on account of his *presence* at conventicles, or, "for *not hearing the cursed curates*." And out of these lies has grown Lord Macaulay's phrase, "who suffered for their *religion*."

[2] Memoirs of Veitch, and other covenanting rebels, edited by Dr M'Crie in 1825, from various manuscripts.

Digitized by Google

main to the matter of the military duty imposed upon our hero in 1679.

"It has been mentioned, in a preceding part of this work (says Dr M'Crie), that a plan was formed, in July 1666, for seizing on the principal forts in the kingdom, but that the plot had miscarried.[1] By subsequent inquiries,[2] I have ascertained, that the persons embarked in this scheme had carried on a correspondence with the government of the United Provinces, then *at war with Great Britain*, and received promises of assistance from that quarter. This appears from the following extract from the register of the *Secret Resolutions* of the States-General, dated July 1666:—

"'It was notified in the Assembly, that overtures had been made by certain *friends of religion*, in the dominions of the King of Great Britain, who had resolved, without delay, to seize upon the *first good opportunity* for vindicating from constraint and oppression, the reformed worship of God, *to take arms*, and do their utmost to *get possession of some one or more towns or fortresses* lying in the foresaid King of Great Britain's dominions. Their *High Mightinesses*, therefore, feel themselves here called upon to give assurance, that, *how soon soever they shall be masters of one or more towns or forts*, assistance shall be promptly sent to them, and arms and munition of war expedited to such town.'"[3]

[1] Dr M'Crie here refers to another manuscript which he had found in the Advocates' Library, and which he gives in a note. The story is there told that Archbishop Sharp had been solicited by Mr Matthew M'Kail, an apothecary in Edinburgh, and the uncle of Hugh M'Kail who was tortured, in behalf of his unfortunate nephew: "When Mr Matthew spoke to him (the Bishop), he desired him to assure Mr Hew that he would befriend him if he would *reveal the mystery of the plot*; which he not being able to do, occasioned his torture: But there was, indeed, a plot to have *surrendered the castles of Edinburgh, Stirling, and Dumbarton, in July that year*; and the chief contrivers failing, nothing was done." This is just the *Dutch Plot* of July 1666.

[2] "*Subsequent inquiries*," just means groping further among Wodrow's manuscripts, and discovering the Dutch "Secret Resolutions," as to which *Wodrow is silent in his History*.

[3] Dr M'Crie quotes:—"*Extract uit het Register der Secrete Resolutien van Ho. en Mo. Heeren Staten-Generael der Vereenichde Nederlanden.* Macward Papers: Jac. v. 1., 10, Art. 8 and 9." (Advocates' Library.) One of the folio volumes of Wodrow's collections.

Digitized by Google

"Among the articles to be sent,"—Dr M'Crie proceeds to narrate,—"are the following:—For the foot, 3000 muskets, 1000 matchlocks, 1500 pikes, with side-arms for the musketeers and pikemen, and 10 brass field-pieces: For the cavalry, 2000 brace of pistols, *all with snap-locks*, and 1000 horsemen's carabines. Besides the supplies in arms and ammunition, a subsidy of 150,000 *gulden* was promised. The extract is signed by the president, Van Vrijberg; and the pensionary De Witt intimates formally, that 'no time shall be lost in getting every thing ready, in conformity with the resolution of the States General, when wanted.' There are letters from Macward to Brown, written, as late as September and October that year, in a concealed style, but *evidently referring to the above-mentioned transaction.* They speak of a *Mr Wallace*, but as the other names are obviously fictitious, this affords no ground for supposing that *the Colonel* was the person referred to.[1] Who were the leading men in Scotland, in whose names this correspondence with Holland was carried on, or by what means they expected to get possession of the forts alluded to, I have not been able to discover."[2]

We would not wonder, if rising in arms, raising the coun-

[1] Convenient scepticism this, but little to the point. A Colonel James Wallace commanded the unfortunate raggamuffins whom General Dalyell caught among the Pentland Hills. Wallace, the most guilty, escaped to Holland, and there lived and died in the odour of covenanting sanctity, with that very *Macward*, a Scotch preacher who had been most leniently dealt with in 1661, when only banished, under an indictment for high treason. The Wallace to whom Macward alludes, in his secret correspondence with Brown (another clerical traitor), may not be the hero of Rullion Green; although we are not satisfied as to that fact. But what matters it in the question whether that rising in *November* 1666, was connected with the traitorous plot with Holland in *July* of that year? For Dr M'Crie himself admits, that Macward's letters to Brown, written "in a concealed style," in *September* and *October* 1666, "*evidently refer*" to the Dutch plot. When the hero of Rullion Green died, years afterwards, in Holland, it was *Macward* who closed his eyes. He announced his death, to covenanting friends, in these terms,—"Great Wallace has gone to glory!" He ought to have glorified in the Grassmarket.

[2] Dr M'Crie's "Notices of Colonel Wallace," appended to his editorial Memoirs of Veitch, &c., 1825, p. 377. After this valuable contribution, towards clearing the history of the fanatical rebellion, the learned editor, with a faith in his cause that might remove mountains, adds his own opinion, that,—"It does not seem, however, that there was *any connexion* between that plot, and the rising in Galloway, which appears to have originated *solely* in the accidental scuffle between a small party of soldiers and some countrymen, to which it has been *usually* ascribed"!

Digitized by Google

try as they marched from Ayrshire, and advancing on the capital, were the means by which Colonel Wallace and his Kirk-militant "expected to get possession of the forts alluded to." The date of the Dutch document is 15th July 1666. The rebels were almost at the gates of Edinburgh in the month of November thereafter. The preacher William Veitch, who was with the rebels (and whose account of their proceedings is given by Wodrow), himself informs us that, "a letter came to Mr Welsh and Mr Semple *from a gentleman at Edinburgh*, who was a *real friend*,[1] pressing us to come as near that place as might be, and giving hopes both of assistance and other necessaries. This altered the first project, and the army marched straight to Bathgate, under many inconveniences; and there being no accommodation there, we went forward to Collinton. There I was pitched upon to go into the town and converse with that gentleman." It was destined, however, that these two "gentlemen" should not meet. The miserable leaguer had to fall back upon Rullion Green, where they met the fate they merited. Colonel Wallace was not a Garibaldi, nor was the cause worthy of any such leader. Of course, few of that deluded following would be in the Dutch secret. Corsock and M'Kail may have been, but were booted in vain. And who but must laugh at Wodrow, when he says,—"That party-writer of the *Caveat for the Whigs*, published towards the close of the last reign in order to corrupt the commonalty of England, and dispose matters for the present attempt of the Pretender (1715), hath as many lies as words almost in his account of this matter. He *pretends* this rising (1666) was in concert with the whigs in England, and the *republicans in Holland;* whereas it was entirely *unconcerted*." Why was Wodrow silent as to that *Dutch document*, which we find among his own historical collections?[2]

[1] This "real friend" was Sir James Stewart, who became *Lord Advocate* after the Revolution. The villain Mitchell was busy upon the occasion. Dr M'Crie notes the fact in this somewhat too lenient manner: "Notwithstanding the difficulty of the undertaking, it appears that Mr James Mitchell, afterwards executed for *the attempt on Sharp*, having gone from Edinburgh *with Colonel Wallace*, did, at the desire of Captain Arnot, return to town the same night Veitch was in it. See Act of Privy Council, March 12, 1674."

[2] Wodrow must have had this evidence when he wrote; for he has ventured to

Digitized by Google

Claverhouse's first expedition to crush the conventicle system in the west and south of Scotland, appears to have been substituted by Government for the ephemeral experiment of the "Highland Host." The history of that expedient, abandoned almost immediately after it was adopted, is thus given by Sir George Mackenzie:—"As to bringing in the Highlanders on the western shires, and taking free quarters there, it is answered, that *many thousands* had gathered in field conventicles, with arms, for several years; and when these conventicles, which used to meet in several places, pleased to join in one, they could easily *form an army*. To prevent which, the Council wrote a letter to these western shires, entreating them to fall upon some course for the security of the peace. They returning for answer, that the peace could not be secured there without *abrogating Episcopacy*, the King and Council considered this a sacrificing the laws to the humours and passions of private men; and such, too, as they had reason to think could no more be satisfied with that concession than their predecessors were, who proceeded to ruin King Charles the First, after he had parted with the order of Episcopacy to *please them;* and therefore the Highlanders were sent in to secure the peace; and because money could not be provided in haste, the Council declared by their Act, that those on whom they were quartered should be paid out of the first and readiest of the fines owing there, and the surplus should be paid by the King; nor have those who were then in the government, clamoured so much *now*, for a year's free quarter, as these people did *then*, for a fortnight's; and even during that fortnight, most men paid for their quarters."[1]

That much abused experiment, however, of the exasperated

give a translation, in his history, of one portion of the Dutch papers, relative to a remonstrance of the British government sent to Holland, against those very traitors, constantly intriguing, Wallace, Macward, and Brown. See Wodrow, vol. ii. p. 344. Kirkton (p. 239) is pleased to record,—"They *made a report to run*, that 40 ships, with an army *from Holland*, were landed at Dunbar, to assist the Whigs; and all this to *render them odious*." The report was based on truth, as we have shewn.

[1] Wodrow, of course, grossly exaggerates the suffering caused by these "uncanny trewsmen"; as Baillie calls *Argyle's* Highlanders, who were far more savage. But this inroad of the Perthshire kilts in 1678, is not accused, even by Wodrow, of a single death, or of other personal violences. They carried plunder home.

Digitized by Google

Minister for Scotland, was not without its effect, in the quarters where he meant that it should tell. His powerful rivals, Hamilton, Rothes, Queensberry, and some others of the great ones, were any thing but aiding him with the honest consistency, and loyal energy, which the crisis of 1678 demanded. It was Lauderdale's old master, Argyle, who had taught him the trick of the Highlanders. The covenanting Baillie records, with the greatest glee and admiration, the vast service to their cause of Argyle's "uncanny trewsmen," and how their chief employment was to "terrify" the *peaceable* lieges into conformity with the Covenant. The advent of the Perthshire Highlanders, under the command of Athole, Perth, Murray, and Airly, seems to have been no less alarming even to those great Dons of the south and west, who were longing and striving to displace Lauderdale, and rise on his ruin. The correspondence of Rothes on the subject, with Queensberry, not hitherto published, is both instructive and amusing.

"*For the Earl of Queensberry, These:—*

"*9th January* 1678.

"MY DEAR LORD:—Two or three days after you went away, in pursuance of a letter from his Majesty to his Privy Council, which was most positive in his commands, and vastly extensive in the power which he gives the Council,[1] the methods were all laid down (which

[1] The King's letter is dated, Whitehall, December 11th, 1677; and commences thus:—"We have been very much concerned at the accounts we have had, not only out of Scotland, but from several other hands, of the great and insufferable insolences lately committed by the fanatics, especially in the shires of Ayr, Renfrew, stewartry of Kirkcudbright, and other adjacent places; and also in Teviotdale, and even in Fife, where numerous conventicles, which by Act of Parliament are declared *rendezvouses of rebellion*, have been kept, with solemn communions of many hundreds of people, and seditious and treasonable doctrine preached against our person, and all under us, inciting the subjects to open rebellion, and to rise in arms against us and our authority and laws, unlawful oaths imposed, the churches and pulpits of the regular clergy usurped, by *force invaded*, and *their persons still threatened with assassination and murder*; and, what they have not formerly attempted, *preaching-houses have been lately built*, and unlawful meetings of pretended synods and presbyteries kept; thereby designing to prosecute their *rebellious* intentions, and to perpetuate the schism." For these reasons, very ample powers are given to the Council, for commanding the whole forces of the kingdom, including the Highlanders, and for summoning "all heritors, freeholders and others, and if

Digitized by Google

was fully prepared by the Committee), for the ordering the several militias to march, and *the Highlanders:* And I did then understand, as I do now assure you, that they are positive in their resolutions that the Highlandmen shall once be in the West; and I believe they will keep their punctual time about the 26th instant. I cannot discover what will be the methods they will take, when they are there. But the Council's commission to me, as to the shire of Fife, was both very positive as to me, and severe as to the shire: And when I went there, I found the threatening of Highlanders coming amongst them had prevailed with most of the gentlemen who were there, *most willingly to give bond against conventicles,* and disorderly meetings, for *themselves, families, tenants,* and *servants;* and that some of the militia should always be in readiness to put the laws in execution, and receive their pay for it out of the fines of those who should be found guilty. All this I find does not give *absolute* satisfaction, but some alterations they will have, for all the length it is gone. But what it is, I do not know.

"Just as I was writing this, I received the honour of yours of the 7th instant; and I assure you, when I went to Fife, I did not in the least apprehend that either you or your shire should have been concerned in this expedition. But upon my return, I found all the letters were in and dispatched. As to your carriage, I humbly think it proper for you to advise with Duke Hamilton in it; and what occurs to me, after some time reflecting upon it, I shall communicate to you with that candour and ingenuity which becomes one to his entire friend. So, if you please, you may have a secure bearer here upon Saturday, or Sunday at farthest.

"Being yesterday, in the afternoon, to attend the Justice Court, betwixt two and three we went all to *Caddell's,* where the Duke of Lauderdale was; but there was nothing there serious; and I hear the Archbishop of St Andrews is to *treat us* there to-morrow. These *formalities,* probably, may occasion unjust stories, but I am sure they will

need be, all betwixt sixty and sixteen," to attend the King's host. They are also required and authorised to march both standing forces, and others, "into these shires before mentioned, so infested with rebellious practices"; and with the power of "taking free quarter from those that are disaffected, and by *disarming of all you shall find necessary,* and securing all horses above such a value as ye shall think fit"; also to "cause the *heritors and liferenters engage and give bond for their tenants, and others that live upon and possess their lands,* that they shall keep no conventicles, that they shall live orderly and obedient to the laws; and cause the tenants and masters of families give the like bonds," &c.—*Privy Council Register.*

Digitized by Google

have no weight with you. It is now so very late that I have time to say no more, but that I am, my dear Lord, yours,

"R."[1]

The peremptory and stringent measures now ordered, pressing hardest upon the great heritors themselves, indeed throwing upon such the chief responsibility of eradicating the covenanting rebellion in the disturbed districts, and that bugbear the Highland Host, created a vast excitement among the leading nobles. Queensberry was sulky, Hamilton in a rage, and Rothes in a stew. It was not that they approved of, or doubted, the rebellious intention of the conventiclers, or regarded these measures to be any oppression of *the people.* But they were inclined to rebel, against the iron rod of Lauderdale, on their own accounts; and they could not stomach the responsibility thus cast by him upon the great and the rich, to repress the turbulence of the mobility excited by the outlawed preachers.[2] Upon the 22d of the same month, the Chancellor again writes in an agitated strain from Edinburgh, to Queensberry, who was louring like a thunder-cloud in his old castle of Sanquhar about to be superseded by the new and princely edifice of Drumlanrig. Rothes dates this letter "at on a coack," which mortals, and even *chambermaids*, would now write "one o'clock":—

"EDINBURGH, 22*d January, at one o'clock*, 1678.

"MY DEAR LORD:—This is to give you an account of what came the last post concerning the King's resolution, in raising twenty-five thousand horse and foot. The Duke of Monmouth, General. My Lord Dumbarton, and Colonel Russell, Lt.-Generals of the foot. And my Lord Gerrard, and Major-General Drummond, Lt.-Generals of the horse. This is news for certain by very many good hands. The Duke of Lauderdale says nothing of it; though no doubt he hath it in his

[1] Queensberry Papers.

[2] Kirkton, speaking of Hamilton's crusades to Court against Lauderdale, which commenced in 1674, says:—"Duke Hamilton's complaints were terminat upon the monopolies of salt, tobacco, and brandy, which had been put in the hands of Lauderdale and Hatton's friends; somewhat also they spake of coin. And this made the *lovers of religion* to be less concerned for either of the Dukes, since *neither of the two* owned the most noble interest, which was in great hazard."—*Hist. of the Kirk*, p. 343.

Digitized by Google

letters. But I suppose his dissatisfaction with one of the persons named, occasions his silence. No doubt you are come to a positive resolution, before this come to your hand, of your going to Glasgow ?[1] And I suppose you will wait upon Duke Hamilton? I was told, by my little friend up the way, that the Duke will be there; and, for your encouragement, *your condition*, nor the condition of *your shire*, will not be so bad as some others. My Lord of Glasgow came a purpose this morning to me; who said all the kind things of you imaginable; and begged of me that I would write to you *not to scruple your going there*, nor scruple in *giving obedience;* since he concluded you would have so easy a task. I desired his Grace to write, which would be much more significant than any thing I could say; and he engaged to do so. I am commanded by the Council to go to Fife, which I intend to do the latter end of this week. But what letters you write to me, either from Glasgow or elsewhere, cause deliver them to my wife, who will infallibly convey them safe to my hand. For I have an express every day comes over the water to me. *Burn this, I beseech you. Adieu.*"[2]

The influence of the Chancellor in Fife, although no friend to Lauderdale, was, with great alacrity and complete success, exerted there in support of the Government scheme. In the west, however, where the greatest danger was apprehended, the weight and example of Hamilton (true to the character of that Ducal House he now represented, ever professing greater loyalty than it practised), sustained the political war against Lauderdale, after a fashion at once factious and feeble. This, of course, greatly encouraged those conventicle ruffians who feared not to proclaim that they were ready to cut the King's throat. On the 6th of February, Rothes again writes to Queensberry :—

"EDINBURGH, 6*th February* 1678.

"MY DEAR LORD :—I received the honour of yours yesterday, by nine o'clock, and delayed this return till I should have a more significant account to give you of business; but will detain him no longer, though the morrow be the Council day, at which time it's probable we

[1] To attend the Committee for the West.

[2] Queensberry Papers. Rothes does not even put his usual initial *R.* to this letter.

Digitized by Google

will have some new matter. Yesterday, before I went to the House, I found there was a Council appointed at twelve o'clock, after the Session rose, there being a packet come from the West, giving an account of their proceedings.[1] But there was very little in it worthy of your trouble; neither could it be otherwise expected, their Saturday's being so full. But I find it is rumoured amongst the Council, that the shire of *Clydesdale* is to offer to maintain a troop of horse, and a company of foot upon their own charges, for *securing their country from Conventicles*. This was laughed at, and treated at a very strange rate; but not in public Council, although I heard it. For, say they, if all other disaffected shires should desire the same, by the same rule we behoved to grant it; by which means it would state a considerable force, say they, in *their* hands who have given us all this trouble, and are disaffected, and disobedient to the King and his laws. And this the Duke of Lauderdale *run mightily out upon*;[2] by the tendency of whose discourse, I found he considered this method to be a thing resolved upon at your meeting at Hamilton. You know, if there was any such thing, I am absolutely ignorant, having heard nothing of it from any of you.

"Now to give you an account of my own journey. In obedience to the Council's order, I went over on Saturday was seven-night; and, upon the Tuesday thereafter, according to the Council's order, met with the heritors of the shire, where I presented the double of the same bond you have, which *the most of all the noblemen and gentlemen signed*; and have raised fourteen days pay of the whole militia, to maintain four hundred commanded men out of the militia, for to preserve our country from Conventicles. This length we have gone to prevent

[1] The great Committee of Privy Council, called the "Committee for the West," accompanied the congregation of military forces in the disturbed districts, and commenced their sittings at Glasgow in the month of January 1678. After sitting there for ten days, they proceeded to Ayr.

[2] And with very good reason. A dodge yet more dangerous of the same kind, was attempted upon the occasion of the rising in 1666. Rothes, then Minister for Scotland, happened to be at Court, which threw the responsibility of that most alarming crisis upon Archbishop Sharp. Burnet says:—"The *Earl of Argyle* raised fifteen hundred men, and wrote to the Council that he was ready to march upon order. Sharp thought, that if *he* came into the country, either he or his men would certainly join with the rebels. So he sent him *no order at all*."—Burnet's Own Times, vol. i. p. 430. *Timeo Danaos et dona ferentes.*

Malcolm Laing is pleased to say:—"That Lauderdale's design in these measures was to *render the people desperate*, and *impel them to rebellion*, can admit of *no dispute*."—Hist. vol. ii. p. 80. The puerile theory bears nonsense on the very face of it. So far from admitting of no dispute, it is not worth controverting. There is not a vestige of evidence to support the idea.

Digitized by Google

the inevitable ruin which attends those who have the misfortune of the Highlanders to quarter upon them; which I believe was calculated for Fife, as well as for any other shire in the kingdom. And I do conclude it great folly, for a shire in general, or particular persons, to thrust themselves upon suffering if they can shun it: And this is an affair I find absolutely resolved to be gone through with; and they have the King's command for it more positive than I can express.[1] So, pray you, *take heed what you do.*

"I am very glad you have thoughts of coming into town. It cannot be so soon as I wish it. And I intreat you let me hear from you; for however little thing I have, you shall not fail to have full accounts from yours, unchangeably, "R."[2]

At this time the whole forces of the kingdom were concentrated about Glasgow, where the "Committee for the West" commenced their sittings, under very special instructions, and clothed with very ample powers. The Marquis of Athole, the Earls of Mar, Murray, Glencairn, Wigton, Strathmore, Linlithgow, Airly, Caithness, Perth, and Lord Ross, composed this grand Circuit Court of the Privy Council. The Duke of Hamilton, most inimical to Lauderdale, having been put off the Council in 1676, was not on this Committee;[3] and he regarded their powers and proceedings with infinite disgust and chagrin. They were instructed not only to take the most vigorous measures for compelling subscription of the same bond which the Chancellor had succeeded in obtaining from the heritors of Fife, but the Sheriffs and other local authorities of the dis-

[1] Wodrow has the impudence to write this comment on the subject:—"Certainly the procedure of this period, in *violenting* people into the declaration, bond, and test, ought for ever to stop the mouth of the *Episcopal faction*, as to their complaints of Presbyterian severities in pressing the Covenants, which they *never did by a Highland Host* when the power was in their hands."—*Hist.* vol. ii. p. 391. Did not Argyle, constantly and *most cruelly*, use *his* Highland Host for the very purpose in all parts of Scotland, until Montrose, at Inverlochy, crushed for ever his power of raising a single company.—See before, p. 110.

[2] Queensberry Papers.

[3] Wodrow, emboldened by his ignorance, says:—"The Duke of Hamilton was the nobleman of the greatest rank and interest in the west, and a *Privy Councillor*; yet he is not, for *reasons obvious enough*, put upon the Committee."—Hist. vol. ii. p. 382. The reason was, that he had been turned off the Privy Council two years before, along with Kincardine; Burnet says,—"as enemies to the Church, and favourers of Conventicles."

Digitized by Google

turbed districts, were, by these instructions, peremptorily ordained "To cause the leaders of the horsemen of the militia troops of these bounds, deliver up to them the whole militia arms, swords, pistols, holsters, &c., and likewise the whole heritors, or other persons in whose hands they are, to do the like; as also, you are to cause the Sheriff of the said shire of Lanark, Bailie of the regality of Glasgow, Sheriff-depute of the shire of Renfrew, and Stewart of Kirkcudbright, to disarm all other persons, of *what degree and quality soever*, in these bounds, and to send in the arms, and all ammunition that is within the same, towns and villages, to you (the Committee), to be disposed of as you shall be instructed by his Majesty's Privy Council." The shires of Stirling, Roxburgh, Galloway, and Dumfries, however, were expressly exempted from this disarming act, until further orders from the Council. And now commenced the great tug of war between Hamilton and Lauderdale, in which the former was so signally defeated, and so completely exposed himself, according to the dramatic account from the graphic pen of Rothes, which we have already laid before our readers.[1] It was in the month of July 1677, that Lauderdale and his Duchess came to Scotland, he to assert his iron rule against the Conventiclers, and she to marry her daughters. At this time, as we have seen, Hamilton kept aloof, in determined opposition to the Minister. The following letter from his Grace to Queensberry, his brother-in-law, illustrates his temper, and indicates the coming storm. It commences thus abruptly, and concludes without a signature:—

"*25th July* 1677.

"My wife, I thank God, continues to recover, but very weakly. She is very glad to hear of my sister's safe delivery; and wishes you both joy of your young daughter; and thanks you for the favour you intend her to call the child after her;[2] and hopes she may be as *well*

[1] See before, vol. i. p. 387.

[2] Queensberry's Countess was Lady Isabella Douglas, sixth daughter of the first Marquis of Douglas; and so, sister to Lord William Douglas, created for life, Duke of Hamilton, in consequence of his marriage with the heiress, Duchess Anne. Queensberry had a daughter *Anne*, married in 1697, to the third Earl of Wemyss. So Duchess Anne's hopes were fulfilled.

Digitized by Google

married as any of the Duchess of L[auderdale's] daughters; with *less noise; for* I doubt not but you will provide the main ingredient, *money*. My Lady Rothes[1] came here last night. She had a letter this night from her Lord, tells her, he had lost his cause yesterday morning. Since it is gone, I wish it had been a year ago; and then, it is like L[auderdale] had not had so great satisfaction in his train. For it's much doing things in time. I think strange Hatton appeared so little for him. Either his friendship is not worth the value the Chancellor put on it, or else he has little interest with his brother; which I can hardly believe. You need not doubt but I am very sensible how nobly the Chancellor carries at this time,[2] and the more to be valued that it is so much contrary to *former practice*, seeming resolutions, and *advices*. And I hope you are juster to me than to believe me capable to be influenced by any to his prejudice. I pretend, without vanity, to judge of my friends by the little sense I have of their *deportment to me*, and not to be biased by any. And you know always how much I have been obliged to my Lord Chancellor, so you need not fear anybody's influence over me on that head. I can give you no particular account of any thing L[auderdale] is doing but what is *public*.[3] Nothing yet appears as to other designs. He minds so closely to attend the Session to *oblige his friends;* which no doubt he will do to purpose; and I wish that may be all he has to do here;[4] and then we are well.[5] I do not intend to Edinburgh, or from this,[6] in haste; unless it be a day, to be absent from the rendezvous here the 3d of August. I had your letter safe from one of the gentlemen came with my sister. She says little of her Lord, or what he does in Edinburgh. I know not, nor do I much care. *Particular interest* is a general excuse, and must be borne with; though, it is like, may not be *forgot*.[7] My humble service to my sister; and I wish both of you

[1] Who was a distinguished *conventicler*.

[2] Rothes. Of course Hamilton had his own ideas of noble carriage.

[3] But Queensberry's friend, the Chancellor, *could*.—See before, Rothes's Letter to Queensberry, vol. i. p. 357–8.

[4] He had a vast deal more to do there.

[5] In Duke Hamilton's opinion.

[6] His Grace is writing from Hamilton.

[7] This refers to James fourth Earl of Perth, who was married in 1670, to another sister of this Douglas, Duke of Hamilton, Lady Jane Douglas, a younger sister of Queensberry's Countess. The Earl of Perth, as we shall see, very soon drew off from Lauderdale to the Hamilton faction. Such was the confusion of the times. It may interest those who like to save the epistolary orthography of these noble correspondents, to know that Hamilton spells excuse "*excuis*;" and, in another letter, he spells charity, "*chirritie*."

Digitized by Google

much joy of your young daughter; and on all occasions you shall find me very real and faithful to your interest and family's. So *adieu*.

"I have ordered Robert Kennedy to do what he can to provide you with room for your coach, and acquaint William Douglas with it. But it could never be done in a worse time.[1]

The notable events which rapidly followed, namely, the appointment of the Committee for the West, and the descent of the Highland Host, Perth being a member of the one, and a commander of the other, were not likely to improve the temper of Hamilton. While the Committee are sitting in Glasgow, he thus writes to Queensberry, commencing abruptly as usual:—

"*8th February* [1678].

"All the account I can add of what has been done in this shire is, that the Earl of Carnwath, and some few gentlemen, and petty feuars, have taken the bond since, and many of the burgesses of Glasgow. But I hope the refusing of it will be made no test of loyalty. For I am sure there are, that have refused it, have and will be as ready to venture their lives and fortunes in the King's service, and maintainance of the laws, as any that have taken it. And although all have not the like freedom to take bonds they think not warranted by law, though by it they might save themselves and interest from present trouble, yet in *chirritie* I hope they may expect not to be so severely dealt with as it seems *your gentlemen* warrant you to offer to the Council for securing the refusers; and I believe is more nor was desired from you. If I be not able to preserve my arms myself, I do not resolve to trouble

[1] Queensberry Papers. It is amusing to observe the very different key in which he addresses his brother-in-law very soon afterwards, on what he considered "the main ingredient;"—

"17 *August* 1677.

"My Lord:—I did admire to receive a letter from your Lordship, appointing your tenant of *Wheitcamp* to pay a sixth part of the rent for the teind of that *rowme*, when I wrote to you that I would not accept under a *fifth* part of the rent he paid to you for 1675, and 120 lb. *Scots* for the year 1676; at which rate I told you I would yet take; and no otherways; and you must allow me to say, I made no other agreement with you; and since you are not pleased with the terms I wrote last of, you will excuse me to draw those teinds as my father and myself was many years in possession. I am, my Lord, your Lordship's most affectionate brother, and humble servant,

"Hamilton."

Digitized by Google

my friends to keep them for me.[1] However, I thank you kindly for the offer, and shall wait on you at Edinburgh as soon as I am able; but at present cannot determine the day; but thinks it very convenient you haste their suppressing; at this juncture you may be able both to right yourself, and help your friends. I shall give the advertisements you desire, and continue fixed to the principles and friendships I have always professed to you. So, *adieu.*"

No sooner, however, had the "Highland Host" been (according to Charles Sharpe's characteristic phrase), "showered upon the western shires, to improve their sterile loyalty," than they were withdrawn to make way for more politic measures of coercion. The following letter, announcing the fact to Queensberry, is from Hamilton's other brother-in-law, the Earl of Perth, one of the chiefs of those Highlanders, and a leading member of the great western committee, which had now adjourned to Ayr, and was busy compelling the Earl of Cassillis to destroy certain conventicle meeting-houses, which he did *multum gemens*:—

"Ayr, 20*th February*, 1678.

"My Lord:—I have kept your Lordship's bailie these days bygone, still expecting an express we had sent to Edinburgh with the reports: And now we have got *your* shire[2] recommended to our care; and in the point of marching through, or quartering of Highlanders, you need not fear; for we resolve to *send home* our men, both upon account of the *law-burrows*,[3] and that the season for *work* is ap-

[1] Hamilton himself was not exempt from the disarming act. Queensberry appears to have made some offer for the custody of his arms. So general was the order, that the Privy Council subsequently issued a special act permitting the members of the Committee for the West to wear their swords.

[2] Dumfriesshire.

[3] "*Burrows* or *Burgh*," says Lord Stair, "by our ancient style signifies *caution*; so that, *Burrows of peace* signifies caution to do no act contrary to the public peace, in prejudice of the complainer swearing that he dreads him, or giving other evidence of his ill inclination towards him; which was sufficient, although he did not swear that he was afraid of him, which might be interpreted as dishonourable. But *Law-burrows* hath been the term continued, as more extensive, importing caution to be found against any trouble to be done to the complainer, otherwise than by the course of law."—*Inst.* iv. 48. 1.

The hasty expedient (suggested by Athole, Perth, and other northern nobles), of bringing down these Highlanders to act as an armed police in the most disturbed

Digitized by Google

proaching. The news from Edinburgh of this *new method* has quite put us out of our road; and, for my own part, I never had any thing that came more opportunely to free me from pain; for I foresaw a vast deal of malice ready to be discharged upon our friends, and I in no capacity to dispute points of law. But now, many amongst us are at a great loss as to resolutions; for we find all our conclusions have had false premises.

"This night my Lord Cochrane *refused the Bond*;[1] and I (having the chair), according to my appointment, reproved him (without laughing) for calling the clause which obliges masters to cause their servants keep the church, illegal and unprestable. All the principal heritors in this shire, who have been called, have refused the bond, excepting E[arl] Dumfries, and Sir John Kennedy. The report from Teviotdale satisfies not; and we have got them a new day (this day sennet) to mend it. Our new instructions order us to go to Lanark from this, and from thence to Renfrew, and there do as we do here. The news from Edinburgh I need not write. The Duke of Hamilton is there, or at Kenill. We know not how to proceed; and we are perpetually committing errors; and, mending one hole, we make two. But when any of our *un-friends* falls in our way, we shew our *good will*; and none with more vigour and zeal than dear Strathmore, whose worth I sup-

districts, proving utterly impracticable, and worse than useless, was no sooner acted upon than superseded by the expedient of applying the cautionary remedy of *Law-burrows*, as between the Sovereign and his seditious subjects. Sir George Mackenzie, in his *Vindication*, says:—

"By the very style of the ordinary surety of *Law-burrows*, any private man may force another, by the law, to secure him against all prejudices from his men, tenants, and servants, and others of his command; and that the King had great reason to be jealous of their breaking the peace appears fully from the reasons above represented; and when this *surety* was thereupon approved by Parliament, by which it was enacted, that masters should be liable either to remove their tenants from their lands, or to present them to justice, it proved a most advantageous remedy for settling the nation, to the great advantage both of master and servant; this alternative securing the master from many hardships, and engaging his servants to obey *him*, as *he* was obliged to obey *the King*, and *keep the peace*."

[1] This was William Lord Cochrane, eldest son of the first Earl of Dundonald. He died in 1679, the year following that in which the above letter is dated. It was his daughter whom Claverhouse married, despite the covenanting resistance of her mother, as we shall afterwards find. Fountainhall records, in 1684, that,—"Inquisition is made after the Earl of Dundonald, for keeping a chaplain with his son when he was dying, who *prayed God to bless the rebels in the West with success*; and on this Dr Brisbane and three other west country physicians were examined, having heard this when they were attending my Lord Cochrane in his sickness, before his death in 1679."—*Decisions*, i. 299.

Digitized by Google

pose your Lordship knows sufficiently. The G[eneral] Major's cheek grows worse. M[arquis] Athole holds out bravely, and seconds me in many things; and, in some, is the first mover to the Committee. He will not write now (leaving all to me), but is your Lordship's servant. I find the Duke [Hamilton] very averse from this Bond; and all its circumstances appear to him out of order. I have said all comes in my mind now; and if I knew any thing wherein I could serve your Lordship, or your noble family, you know I need not be put in the way. Give me leave to tell my Lady, by this, that I am, with all possible respect and duty, her faithful servant. My Lord, if next week you please to have a boy here (for mine know not one foot of the way), you shall have such another *gazette* from, my dear Lord, your Lordship's most obedient and most affectionate brother, and faithfullest servant,

"PERTH."[1]

The curse of conventicles would never have so afflicted the land, but for the constant fluctuations of faction, influenced by the most petty occasions, without a spark of patriotic principle, among the leading nobles of Scotland. We have it on the authority of the presbyterian Lord Stair himself, that the conventicle system, was, in no proper sense, either presbyterian, national, or even popular; but the mere vagrancy of covenanting sedition, attracting the idle, disturbing the peaceable, debauching the curious, and harbouring the criminal.[2] The Marquis of Athole, and the Earl of Perth, were the very noblemen who, at the commencement of the year 1678, suggested the expedient of the Highlanders, offered their claymores for that service, and obtained royal commissions to congregate the Host. Before that year was half expired, they were combined with Hamilton, in factious feud against Lauderdale, and their lip-loyalty cast to the winds. The great Ex-covenanter, to be sure, however energetic and determined now, in his support of the Throne, was not a man to conciliate, or unite such discordant elements as a bevy of nobles each individually desirous of obtaining his high place, and all abhorrent of his gross and imperious sway. Hamilton led the revels, by hastening to Court, in the face of a royal order that none should quit their post in Scotland without the ex-

[1] Queensberry Papers.

[2] See before, p. 34.

Digitized by Google

press allowance of the Privy Council.[1] Athole and Perth, with a few other nobles, followed his lead, and rushed to London in the face of that command. They were greatly aided by a most able and eloquent lawyer, Sir George Lockhart. He was their best mouth-piece, in those hearings in presence of the King, against the government of Lauderdale, the final result of which, in the following year, was (as so dramatically narrated by Rothes to Queensberry), that Hamilton, in a rage of disappointed selfishness, "swore a great oath that he would fall on his knees to the King, *that Lauderdale might be continued!* 'But I will go to the King,'—and *did;* and begged his pardon for the trouble he had given him."[2] The change which, so speedily confounded the counsels of the West, and led almost immediately to the employment of Claverhouse, is thus indicated in another letter from the cheery Rothes to the cautious Queensberry:—

"LESLIE, 16*th April*, 1678.

"MY DEAR LORD:—Yours of the 8th I received on Saturday night late, and not till then did I know that my last from Edinburgh had come safe to your hand. And being now in this place, you can hardly expect that I can tell you any thing but what you will know from other hands, it taking a considerable time before my letters can come over to me; and, for the most part, that which is the freshest intelligence becomes street-news in a day or two, both at London and Edinburgh. But the King having appointed the Duke [of York], and others, to hear those gone up, as is said, upon Wednesday last, we doubt not this post will bring an account of it;[3] which cannot choose

[1] This order has been made a point of dittay against Charles the Second, by Wodrow and others of that stamp, as if tyrannical in the extreme. It was absolutely necessary under the circumstances; and from the Privy Council records it appears, that King William, in his turn, issued the very same order, and took care that it should be better obeyed.

[2] See before, vol. i. p. 387.

[3] Kirkton says,—"When Duke Hamilton got into the presence, the King kept his hands behind his back, lest the Duke should perchance snatch a kiss of them; and when the Duke came to make his complaint upon the bad government in Scotland, the King answered him with taunts, and bid him help what were amiss *when he were King of Scotland.*" Kirkton himself appears to have understood and estimated this *quasi* patriot very much as the King did. "Duke Hamilton," he says, "was neither favourite nor courtier, but lived and died suspect almost under all

Digitized by Google

but be very significant, and certainly afford reasonable considerations how to take measures. One thing may, haply, be news to you. The Marquis of Athole being denied access to the King, allowing the Duke to receive him, the Duke told him, that he wondered to see him there without the Council's allowance, he being not only one of the number, but one of the Committee of the west, and *an adviser to that way.* The Marquis answered, that he was *made believe* there was necessity for their going; but he now found *no such thing;* and that he had staid till most of all the Council's acts were obeyed; and till the Duke of Lauderdale threatened to take his places from him; which he was now come to lay down at his Majesty's feet, from whom he had received them; and that the Duke of Lauderdale had taken up a spleen against him, he knows not for what, unless it was because his son would not marry his Duchess's daughter; and that the Duchess had absolute power and influence over him; but he was come to *complain of nobody.*[1] The Duke said, he never heard any thing concerning his places; and did advise him not to meddle with the Duke of Lauderdale; and that he should not meddle with the members of Parliament; nor tamper in the least with the French Ambassador; either of which they are mad if they do. Both the Duke, and Duke of Monmouth, are thought now to incline to allow that antipathy, I know they have always had against the Duke of Lauderdale, to appear. But the King, every body says, sticks close to him; and positively says he will see none that are gone up; but will consider what they say to others. Sir George Lockhart is now gone, and truly I believe does not intend to return in haste. Every day will afford new matter of consideration;

the Kings; only, after the Revolution, King William found it necessary to employ him as his Commissioner to several Sessions of Parliament." He also says,—"Duke Hamilton was at this time highly displeased with the proceedings of the Council, and a great enemy to *the Bond* (of peace), *knowing well he could not answer for his own family.*"—P. 342-78.

[1] See before, vol. i. p. 356. At this time, Athole, who had been created a Marquis in 1676, was a Privy Councillor, Sheriff-principal of Perthshire, Captain of the royal guard there, and an Extraordinary Lord of Session. Burnet says (vol. ii. p. 139),—"The Lords of Athole and Perth, who had been two of the Committee of Council, and had now fallen off from Duke Lauderdale, came up with them (Duke Hamilton and others) to give the King an account of the whole progress of this matter." But from Rothes' account it appears, that Athole had taken that step on a private pique of his own against Lauderdale; "but to complain of nobody." Kirkton also says,—"Athole and Perth will needs bear the rest company, to represent to the King *the miseries of Scotland.*"—P. 391. They had better have staid at home to suppress the cause of them. Athole was deprived of the command of the Guards not long after, and Montrose preferred.

Digitized by Google

so I shall not yet say any thing of your coming to town. But, pray you, do not so engage yourself in business but that you may come upon advertisement. I am, without all possibility of change, or reserve, your servant."[1]

While that rope of sand, the Hamilton clique, were thus attempting to blind the King in London, Lauderdale was holding his great convention in Scotland, in the month of June 1678, which we have already illustrated from the Queensberry Papers.[2] But the factious and temporary defection of Athole and Perth, greatly encouraged the Conventiclers, who now became rampant in the districts be-north the Forth; and that cancer of the broken Covenant seemed about to extend from the Tay to the Tweed. Wood, the peerage writer, has taken upon him to record, that "the Marquis of Athole's generous nature revolting from that oppressive measure (calling out the Highland Host), he joined the Duke of Hamilton and other noblemen, in their opposition to Lauderdale." But in the "True Narrative of the Proceedings of the Council in the year 1678," printed by order of the Privy Council at the time, it is expressly stated, that "the Marquis of Athole first, and then others, *offered their Highlandmen*," for the very purpose for which they were used, namely, "to fright these irregular shires into an entire submission to his Majesty's laws." And how little these Highland chiefs were to be trusted, in preserving the peace of the country with their own feudal forces, will be better seen by the following letter addressed to some one of the leading statesmen, by the Bishop of Galloway, of which letter we find a copy among the Queensberry Papers:

"EDINBURGH, 24th *September* 1678.

"MY LORD:—Since my return from the north, I am surprised to hear of the great and insolent field-conventicles in *Perthshire*, it being as much influenced by the Marquis of Athole's example, as directed by his authority. There is (besides many others), a constant field-conventicle now settled in the confines of four parishes, viz. Methven,

[1] Queensberry Papers. Rothes had not signed this letter even with his usual initial.

[2] See before, vol. i. pp. 363–71.

Digitized by Google

Gask, Tippermuir, and another; where it is marvelled that many observe several shoals of Highlanders in trews, and many bare-legged, flocking thither to propagate the *good* mischief of the *old cause*.[1] It is to good men no small discouragement, that a shire under the influence and conduct of the Marquis Athole, and Earl Perth, who *say* they are true sons of the Church, should, being formerly orderly and obedient to the laws, become so turbulent and schismatical; especially since the Marquis is Sheriff-principal, and that one altogether devoted to his Lordship is Sheriff-depute of Perthshire; in whose hands the power and authority is lodged, to suppress and punish these disorders. I write this (being informed of the state of that shire by a most serious, godly, and knowing minister), that my Lord Marquis may know it; and the rather, that it comes from such a minister as is a great honorer of his noble family. Many questions are openly proposed, which I am not able to answer (as I *gladly* would), which insinuates the blame of all these disorders and disturbances, to be upon the Marquis, and the foresaid Earl, but especially upon the former; such as:—

"1. How comes this change all of a sudden, that the most orderly and obedient shire should become so irregular and turbulent?

"2. Whence is it, that so long as the Marquis Athole, and Earl Perth, kept friendship with the Duke of Lauderdale, and consequently cleaved to their duty to the King, that shire, under their power and influence, continued in order and obedience; and now, since they parted from his Grace, that it hath fallen into these disorders, which are so destructive to Monarchy, as well as Religion, and the Church?

"3. Whether there be not a deeper design, in corrupting Perthshire, than many are aware of; that shire being the key to open the door to the entry of all manner of mutinous disorders into the northern half of Scotland, which is almost yet untainted, and unacquainted with these idle humours and disorders that infect and threaten the peace of this kingdom.

"4. Whether the discontented party have not so far prevailed upon the Marquis and Earl foresaid, as to engage their Lordships to give way to these outbreakings and insolencies, to suffer the other half of the kingdom, which is yet almost entire, to be controlled and debauched thereby; whereby their Lordships may be, in the issue, as much endangered as the King and Kingdom?

[1] So it is written in the transcript; probably *ironicè* for, the mischief of the "good old cause."

Digitized by Google

"5. Whether all these pretences can, in any tolerable sense, be reconciled to the *principles* of these noble persons, who profess not only a kindness for our poor desolate Church, to repair the ruins thereof, but a zeal for the famous and well composed Church of England? Or if these *professions* be not industriously made, the more effectually under trust to ruin the interest of the Protestant religion in both Churches?

"My good Lord, I freely allow your Lordship to show my Lord Marquis this letter; and to show that I have so much zeal for the King's service, for the interest of Religion and of the Church, and so much honour for his Lordship, that I could not conceal this from him; nor from you, who I know wisheth both his person and family, both honour and happiness, by his keeping his duty to his Prince, and his Prince's faithful ministers. The rather I do it, that, by the same honest minister I learn, that the fanatic people openly say in that shire, that they expect connivance from the Marquis of Athole and Earl of Perth; and that Mr Harry Murray, when charged with neglect in not punishing these disorders, invidiously blamed the Privy Council, who, I am sure, never denied assistance and encouragement to the Sheriff-Principal, or Depute, for suppressing these mad disorders. I beg pardon for this long letter, which my zeal for the Church hath drawn from me; to which I add nothing but that I truly am, my good Lord, your Lordship's most faithful servant (*sic subscribitur*),

"JOHN GALLOWIDIEN."[1]

[1] This admirable letter, an excellent example of the zeal, temper, and principles of the foully calumniated Scotch Bishops of the Troubles, is from John Paterson, Bishop of Galloway, who, in 1679, was translated to Edinburgh, and, in 1687, promoted to be Archbishop of Glasgow. These accomplished and high-principled Christian pastors, were abused and calumniated by the fanatical falsifiers, just in proportion to their excellence. In one of the falsest and *filthiest* literary abominations that ever degraded the press, and which, now-a-days, would be taken up by the Society for the Suppression of Vice, (for the *unmitigated obscenity* of its anecdotes, and expressions,) and which pretended to be an answer *in kind* (though as far as possible from being so), to "The Presbyterian Eloquence, or the foolishness of their Teaching discovered," Bishop Paterson is most brutally calumniated. In an answer which it immediately received (1693), he is thus defended:—

"The first that he endeavours to abuse is Dr Paterson, Archbishop of Glasgow, and that in a style becoming the true race of the *Gnostics*, I mean *Scotch Presbyterians*, who have no other precedents in history than these impure sectaries, whose lives were a disgrace to human nature, as well as a reproach to religion. The world is not yet so besotted as to think that the Archbishop of Glasgow needs particular answers. Indeed, I must acknowledge, that the author has pretty well *secured himself* against such apologies. His accusations are *so obscene*, that no Christian must name them; and therefore he hath hid himself in a cloud of forgeries that none can *repeat* but a devil, and none could invent *but the author*. The Archbishop's charac-

Digitized by Google

And now, *place aux Dames.* The immediate forerunner of Claverhouse, the very type of his advent, was a lady! For the knowledge of this interesting heroine, the world is indebted to one from whom we have quoted largely in our first volume, Charles Kirkpatrick Sharpe. Among the very original stores he had collected, to compose his projected life of Claverhouse, were certain letters from this heroine to her husband. When Mr Sharpe's contemplated biography of the hero, had, *eheu!* subsided into his curiously edited print of Kirkton's manuscript history, these letters of Anne Keith, wife of Patrick Smythe of Methven, found a place in the notes. But we are only fulfilling the original design of that accomplished and most entertaining of historical and antiquarian editors, by now introducing them among these Memorials and Letters illustrative of the Life and Times of great Dundee. Indeed, they happen to afford a singularly apt illustration of the truth and justice of the Bishop of Galloway's complaint against Athole and Perth. The lady's letters are dated only two months after the Bishop's, and refer to the same disorders, in the very locality. But there is a charm about them, a richness of detail, a *laissez aller* of the most generous and impulsive spirit of love and loyalty, not to be met with in any other letters of the period on that subject. A volume of such would have immortalized Anne Keith as the Sevigné of the Scottish Troubles. Mr Sharpe prefaces the note in which he brought them to light (but where, from the nature of that antiquarian publication, they are all but lost to the general reader,) with these characteristic observations:—" Though a

ter, merit and parts, cannot but draw upon him the odium of the whole party. And I wish with all my heart they had not tried his patience by more terrible methods than those of pasquils and calumnies."

The only *mentionable* calumny against the Archbishop, in that vile performance, is, that upon one occasion, while in the pulpit, and preaching, he kissed his bandstrings, as an erotic signal to a lady in church, of whom he was enamoured, and that from thence he was nick-named " Bishop Bandstrings." And who was this anonymous pamphleteer, whose fables, and whose style, are so foul and filthy that they cannot be repeated even for the purpose of refutation! Wodrow's friend and adviser, *George Kidpath*, who counselled him in writing his history, that " what is merely circumstantial might be left out, excepting where it is necessary for illustrating the matter, *or aggravating the crimes of our enemies.*"—See before, vol. i. p. 59.

Digitized by Google

vast multitude of the female sex in Scotland, headed by women of high rank, such as the Duchess of Hamilton, Ladies Rothes, Wigton, Loudon, Colvill, &c. privately encouraged, or openly followed, the field-preachers,—whose strength of lungs, and affecting *conveyance*, as they called it, drew floods of tears from their eyes, and made the lower ranks pull off their *bigonets* and *mutches* during *the spasms of their hysterical devotion*,—yet there were ladies of the opposite persuasion, whose enthusiasm almost equalled that of the covenanting sisterhood. Anné Keith, a daughter of Keith of Benholm (brother to Earl Marishall), and, by the courtesy of the times, styled Lady Methven, being the wife of Patrick Smythe of Methven, signalized herself in the vigorous suppression of a conventicle attempted to be held on the estate of her husband, then absent in London with the Marquis of Montrose.[1] She marched forth armed with a gun and sword, at the head of her vassals, to intimidate the assemblage of whigs, which far surpassed in numbers her undisciplined retinue, and, after some parley, fairly scared them from off the field." This vigorous and successful demonstration of loyalty, and a most martial spirit, on the part of a lady also endowed with all the tender affections of the sex, was an exquisite satire upon the weak and factious vacillation of such great northern chiefs as Athole and Perth, and the pusillanimous or disingenuous policy of those noblemen and gentlemen of Ayrshire who had tried to persuade the Government, and the King, that the only way to put down the conventicle rebellion was to grant *indulgences* to any extent, and in fact to plant the cloven foot of the Covenant upon the neck of the nation. But the enthusiasm which armed the hands of Anne Keith, was as distinct in kind from that which disordered the mutch of Lady Colvile, as health from disease, or as the ancient chivalry of the Crusades from the unconscious *catalepsis* of the modern " Revivals." And the lady, to whom her own loyal husband was, in the reign of Charles the Second,—" *My precious love,—my heart-keeper,—life of my love,*"—and through

[1] The young Marquis of Montrose was at this very time commissioned to raise and command, for the King's service, the troop of loyal gentlemen in which, on the 19th February 1678, he entreated Claverhouse to ride as his lieutenant.

Digitized by Google

the martial spirit of whose incorruptible truth and loyalty the tempering vein of domestic affection, and love of frolic shows so finely, must have been one in whose own precious heart the lion and the lamb lived together.

"*To the Laird of Methven, at London.*

"My Precious Love:—In answer to your frequent desires to keep your command[1] free of disorderly people, as I wrote formerly to you, we were *tormented* with a field-conventicle which came betwixt Coupmallindie and Gask's ground. The Monday after their coming, I caused try who had been there of *our concern:* Only two women; the one a vassal wife, who promised, to the Provost and me, *not to go again;* the other a widow in ——burn. She had nobody to bind for her. I caused call a court; and, in the King's Majesty's name and yours, conjured them not to break the laws and statutes of this nation, under the pains of the rigour of punishment. *There is none in your ground gone since.* Had Tippermallo, and Balgowan the tutor, and the rest, taken such course, we had been timelier free of them. I caused hold a court in our own hall; and the one wife had not money to pay the officer for summonsing her. I caused her deliver *her apron* till she should pay. It has lately come to my hearing there is some of the poor vassal men been there. With the next, ye shall have notice of my handling them to the length of justice. The Provost told all that spoke with him in that affair, *if every master kept as strict an eye over their ground as ye allowed me to do, there would be no conventicles in the land.* They are an *ignorant, wicked pack. The Lord God clear the nation of them.*

"I am, your faithful *depute*, to the power of

"Anne Keith."

"*For my Heart-keeper.*

"My precious Love:—A multitude of men and women, from east, west, and south, came, the 13th day of this October [1678], to hold a field-conventicle, two bows draught above our church. They had their tent set up before the sun, upon your ground. I, seeing them flocking to it, sent through your ground and charged them to repair to your brother David, the bailie, and me, to the castle-hill, where we had but sixty armed men. Your brother, with drawn sword and bent pistol, I with the light horseman's piece bent, on my left arm,

[1] Smythe of Methven was lord of that regality.

Digitized by Google

and a drawn tuck in my right hand, all your servants well armed, marched forward, and kept the one-half of them fronting with the other, that were guarding their minister, and their tent, which is their standard.[1] That rear party that we *yocked* with, most of them were St. Johnston's people. Many of them had no will to be known, but rode off, to see what we would do. They marched towards Busbie. We marched be-west them, and gained ground before they could gather in a body. They sent off a party of a hundred men, to see what we meant, to hinder them to meet. We told, if they would not go from the parish of Methven presently, it should be a *bloody day;*[2] for I protested, and your brother, before God, we would *ware our lives upon them*, before they should preach in our regality or parish. They said, *they would preach.* We charged them either to *fight or fly.* They drew to a counsel among themselves what to do. At last, about two hours in the afternoon, [they said?] they would go away, if we would let the body that was above the church, with the tent, march freely after them. We *was content;* knowing they were *ten times as many as we was;* and our advantage was, keeping the one half a mile from the other, by marching in order betwixt them. They seeing we was desperate, marched over the Pow. And so we went to the church, and heard *a feared minister preach.*[3] They have sworn not to stand with such an affront, but resolves to come the next Lord's day: And I, in the Lord's strength, intends to accost them with all that will come to assist us. I have caused your officer warn a solemn court of vassals, tenants, and all within our power, to meet on Thursday; where I intend, if God will, to be present; and there to order them in God, and our King's name, to convene well armed to the kirk-yard on Sabbath morning by eight hours; where your brother and I, with all our servant men, and others we can make, shall march to them; and, if the God of heaven will, they shall either fight or go out of our parish. But alas! there is no parish about us will do the like; which discourages our poor handful. Yet if all the heritors in the parish be loyal and stout, we will make five hundred men and boys that may carry arms. I have written to your nephew, the treasurer of Edinburgh, to send me two brass hagbutts of [if?] found, and that by the bearer. If they come next Saturday, I will have them with us. My love, present my humble duty to my Lord Marquis [of Montrose] and

[1] It showed great generalship in the lady thus to divide the superior forces of the enemy.

[2] Only, "pretty Fanny's ways."

[3] *i. e.* the terrified minister of the parish.

Digitized by Google

my Lady. Likewise all your friends. And, *my blessed love*, comfort yourself in this,—if the fanatics chance to kill me, *it shall not be for nought. I was wounded for our gracious King;* and now, in the strength of the Lord God of heaven, I'll hazard my person with the men I may command before these rebels rest where ye have power. *Sore I miss you, but now more as ever.*

"On Monday the 14th, your brother, the bailie, and I rode into the town; and I called on the Provost, who came to Lady Margaret Hay's to me. I told him how matters went the day before with us. He promises to guard the ports, Saturday and Sunday, to keep in the rabble of rebels. The Sheriff was away to Edinburgh, else I had spoke to him, that he would charge Balgowan and Tippermallo to cause their men assist us. More of this you will hear the next week. This is the *first opposition* that they have rencountered, so as to force them to flee out of a parish. *God grant it be good hansell.* There would be no fear of it, if we were all *steel to the back.*

"*My precious*, I am *so transported with zeal to beat the Whigs*, that I almost forgot to tell you, my Lord Marquis of Montrose hath two virtuous ladies to his sisters, and it is the *loveliest sight in all Scotland* their nunnery. I see many young gentlewomen there, helping them to close a *very fine piece of sewing.*[1] Our honest Bishop Lindsay is laying sick of the gout in his knees, and down to his foot. He was heartily remembered to you. So is all I meet with. I wrote to you formerly to expect me up, if ye would not come. Now, I have engaged with the conventicles, *from whom I will not flee.* I know you will allow me to do what I am able to suppress them. I'll do good will. *God give the blessing*, is the prayer of your

"ANNE KEITH."

"*Methven Wood, the 15th instant*, 1678."

"LIFE OF MY LOVE:—I wrote to you the 14th instant,[2] of the surprising rencounter I had with an *intended* field-conventicle in our parish, which was the first, and I hope shall be the last. My *handsell* was not good for them; for Ballachen,[3] and my Lord Marquis' men, chased them off Lawhill above Colluther. He desired our bailie of your Regality to assist; which I sent, and your man Speidie; the one upon the stoned horse, the other upon the stage. They got a *sore day's tassel* amongst these Ochil hills. The Athole men got sore

[1] The heroic lady had not forgotten her own gentler avocations.

[2] It was on the 15th of October that she had written.

[3] Stewart of Ballechin, in Strath Tay.

Digitized by Google

travel, but they went laden home with less or more. It is a grievous matter we *dare not draw their blood*, yet *must* disperse them. How should that be, if they come well armed to fight? The acts against them are, *for* and *against;* riddles[1] indeed not easy understood. *My love;* if every parish were armed, and the stout loyal heads joining, with *orders to concur*, and liberty to suppress them as enemies to our King and the Nation, these *vaging gypsies would settle. My most precious;* upon the 17th day I was present at our court, where the *pitiful ignorants* that had been with them were fined, and bound to obedience for time to come. Next, all your tenants, with what more would answer, was ordained to compear at the West-wood by seven hours in the Sabbath morning, with the best arms they had, under the pain of ten pounds. I sent to Tippermallo, who granted me his men. I sent, to Balgowan, the bailie, to require his assistance, *who even-down refused his men;* and declared, if the conventicles were at his gate, he would only protest against them, and no more. Honest Provost Hay came to see me on the Saturday, and at my desire wrote an order for all Backellton's ground. Busbie sent order for his; so all the most part convened with good order. They were kept there till Ballichen sent to me intelligence we might go to the church. We have *good will* to keep the parish free, but wants arms for the two-part of our men. What was provided was most part borrowed from the neighbour parishes. All that is done, or can be done, will not stop them, except other acts be made, and more severe course be taken. None of this family, and *specially I*, can go any way without weapons. The spirit of revenge boasts against me for beginning their stopping in this parish. My love, there is forces lying in Kinross and Falkland, who hath chased many up to Strathearn. They are commanded, as Captain —— reports, to pursue them no farther than Fife marches. So we are exposed to the hazard, and must pay for it to those that will not help us! My dear, how shall this part of Perthshire oppose this unruly multitude, who keeps close where they intend to meet, and we have neither arms, nor allowance to keep men to wait them? In this same time, if the noblemen and gentlemen had command, and allowance to maintain men to wait them, we would be known as *daring a loyal people as should be in this nation. I know my love will laugh at me;* but it is generally known to be truth."

[1] The *riddle*, for instance, of the act 1670, which made it *death* merely to preach at, or to be accessory in holding, a field-conventicle,—an absurd *brutum fulmen*, which every one knew to be such, and which, instead of being illustrated by a single practical example, was followed up by every species of forbearance under very trying circumstances.

Digitized by Google

"*Methven-Wood, 4th Nov.* 1678.

"The Marquis of Athole's men that Ballechin commanded, frighted the conventicle more nor all the soldiers under pay in this nation. Such a fear they have got that they have had no meeting on this side of Earn water since that day *I banished them*, which was the first that ever they entered upon any property on this side of Earn water. It is said the Bishop of Galloway, *to make true his letters*,[1] had hired them to begin at you. There is much envy and hatred for crossing the conventicles; but *no encouragement to a faithful true-hearted subject.* Our Governors are made up of *Machiavel's principles.* We look for peace this winter, since *loyal* Argyle lets the Macleans be. But if *they yock*, be sure of all malcontents taking the opportunity. Our kind Provost, and Dean of Guild Glasse, was at the Archbishop of St. Andrews for keeping the town's liberty of choosing a new minister. He was very civil to them; and after he had tried at the Provost all the way of my proceeding against the conventicle, which was truly repeated, *the Archbishop drank my good health*, and said the Clergy of this Nation was obliged to me.[2] But it was the Lord God's doing, who made me his instrument; praise, honour, and glory be to his great name."

"*Dec.* 16. [1678].

"The conventicle is every Sabbath at Thorniehill again. We have most part of the shire paid the first term's supply, and as yet we hear of no forces coming to this shire to suppress them. If they come back again to us, in obedience to you, and loyalty to my gracious King, they shall go *waur away* than they did the last time, I being better provided of powder and lead; and all except Balgowan is willing to follow me to so just pursuit; though I have got no thanks from the Council, neither is any parish commanded to do the like, yet my duty and love to his Sacred Majesty shall encourage me to be *singular* against a powerful enemy, as they are in this nation."

[1] Manifestly the letter we have given before, pp. 174–6.

[2] Mr Sharpe has also printed, in his Notes to Kirkton, the following letter to this gallant and loyal lady, from the doomed Archbishop, who was murdered a few weeks after its date :—

"*To the Lady Methven.*

"St Andrews, *March* 27, 1679.

"Madam :—I had the favour of your ladyship's letter, signifying to me your purpose that Mr John Omey be presented to the church of Methven, vacant by the

Digitized by Google

The silly idea that the astute Prime Minister for Scotland had ordered the Claymores into the West, for the express purpose of raising a *proper* rebellion, in order that he might put it *properly* down, has been gravely accepted of by some modern historians, from such purveyors as Kirkton, Burnet, and Wodrow. Yet Kirkton himself confesses that the rebel spirit of fanaticism became even the more outrageous the more leniently it was dealt with. Speaking of the Act of Grace, 1674, "wherein all accession to conventicles preceding that day was pardoned," he declares, that it was "looked at by the common people of Scotland rather as an *encouragement* for the time coming, than as a remission for what was past: *And from that day forward*, the truth was, Scotland *broke loose* with conventicles of all sorts, in house, fields, and vacant churches: House-conventicles were not noticed, the field-conventicles blinded the eyes of our State so much:[1] So, in the Merse, Teviotdale, the Borders, Annandale, Nithsdale, Clydesdale, Lothian, Stirlingshire, Perthshire, Lennox, Fife, *they*[2] fixed posts in the fields, mosses, muirs, and mountains, where multitudes[3] gathered almost every Sabbath, *always till the time of the defeat at Bothwell Bridge.*" And what should the Government

decease of Mr Hew Ramsay. I am well satisfied with Mr Omey, who is a good man and worthy minister, and shall be ready to go along with your husband the laird of Methven his design in reference to him. I am glad to find that your husband, a gentleman noted for his loyalty to the King and affection to the Church, is so happy as to have a consort of the same principles and inclinations for the public settlement, who has given proof of her aversion to join in society with separatists, and partaking of that sin to which so many of that sex do *tempt their husbands* in this evil time, when schism, sedition, and rebellion are gloried in, though Christianity does condemn them as the greatest crimes. Your ladyship, in continuing the course of your exemplary piety, and zeal for the apostolic doctrine and government, shall have approbation from God and all good men; which is of more value than a popular vogue from an humorous silly multitude, who know not what they do in following the way of seduction. You are commended to the establishment of God's grace in truth and peace, by, honoured Madam, your ladyship's humble servant,

"ST ANDREWS."

[1] For this very good reason, that the Government was not warring against religious doctrines, or forms of worship, but against insidious and growing demonstrations of *armed rebellion*, in the face of day.

[2] And who were "they"? "Those villains they called *ministers*," to use Claverhouse's expression.

[3] Which "multitudes" Kirkton also admits were *armed against the State.*

Digitized by Google

have done? Ought that to have remained inactive and compliant, while outlawed agitators, drawing multitudes after them, and surrounded by armed ruffians called their *body-guard*, perambulated the whole country, systematically inflaming the people to rebellion, and commanding them in the blasphemed name of God, to arm against established religion, and all constituted authority? The historians who vaguely declaim against the severities of Government under these circumstances, do not reflect, that the most vicious and obstinate of all rebellious principles was kept alive, and rendered rampant, by the paucity of troops in Scotland to defend the Throne, and the total absence of any police force to protect the community.

But if those Troubles were ever to find a Montrose, or produce a hero at all, it was now high time that he should appear. The " bonds of peace," (framed as if intended to make the great heritors answerable for all the world), having only worked dispeace, and the expedient of the Highland volunteers having only developed the thieving principle inherent in naked haunches, Government had to try again. At the time of the great military gathering in the West, attended by the Committee of Council, George ninth Lord Livingston, and third Earl of Linlithgow, was Commissioner, superseding Sir George Monro, as " Major-General of the Forces, with full power and authority to command our standing forces, our militia, and all the troops, both horse and foot, that are or shall be drawn together by warrant from us, or our Privy Council here, towards the expedition lately ordered by us for our important services in that our Kingdom of Scotland." This commission is dated 18th December 1677. A few months afterwards, when the Government measures became somewhat modified, the Earl is invested with a new commission, dated 7th May 1678, as Major-General, and Commander-in-chief of all his Majesty's forces in Scotland. On the 14th of that same month, the following letter to the King from his Privy Council in Scotland, is recorded :—

" We have of late had divers informations of numerous field-conventicles kept in several places of the kingdom, who, with armed men,

Digitized by Google

have in many places resisted your authority, and which, by your letter, we find has reached your ears, and seeing these insolences are *daily iterated*, and are still upon the *growing hand*, and that your Majesty is graciously pleased to ask our advice, for raising of more forces,—It's our humble opinion that, for the present exigent, there may be two company of dragoons,[1] each consisting of one hundred, presently raised, whose *constant employment* may be for dissipating and interrupting those *rendezvouses of rebellion;* and therefore we have recommended to the Major-General, the speedy raising of them; and your Majesty may be pleased to give commissions to such qualified persons as the Major-General hath, at our desire, given in a list to command these two companies; or to what other persons your Majesty shall think fit." [2]

The list of officers to command these two troops of dragoons, given in by the Earl of Linlithgow, was approved of as follows:—Ensign John Strachan, to be Captain; John Lauder, Lieutenant; and John Livingstone, Ensign, of the one: Ensign John Inglis, to be Captain; William Cleland, Lieutenant; and Henry Dundas, Ensign, of the other. Each troop of dragoons consisted of one hundred troopers, exclusive of the officers, and two drummers. The 15th of March previous is the date of the King's letter to the Council, authorising the Marquis of Montrose to raise the troop of gentlemen of which he urged Claverhouse to become Lieutenant. But before the end of that year, the young Marquis is promoted to the high military position of commanding the Royal Horse Guards in Scotland, from which the Marquis of Athole was then displaced, for reasons of State sufficiently illustrated by the Bishop of Galloway. This important change immediately placed Claverhouse in command of the new troop of horse, according to the promise which Montrose had held out to him so shortly before. And no sooner has this change occurred, than we find our hero at the head of a military expedition against the Conventiclers, who were over-running the disdisturbed districts in the south and west of Scotland. This consisted of his own troop of horse, and the two troops of

[1] There was this distinction between *dragoons* and other horse regiments, that the former were organized to act either mounted or on foot; and upon occasions to mount each a foot soldier behind him.

[2] Privy Council Register.

Digitized by Google

dragoons officered as above, which had been specially raised for that service.

And now "Bloody Clavers" is in the saddle! But his conscience was clear, and his hands were clean. All the severest measures of Lauderdale's administration, all that affords any plausibility to the charges of tyranny and cruelty, which a certain class of historians have so recklessly heaped upon it, had indeed by this time become matter of history. But John Graham of Claverhouse had not the slightest connexion with any previous government measure whatever. Not a shadow of responsibility fell upon him, from the lurid and stormy past. Great, and we assert, *humane* discrimination was exercised, in high quarters, when that new appointment was made. But to the country, and even to the aristocracy at large, Claverhouse was nothing more than an unknown, and untried, soldier of fortune, recently returned from foreign service. But see, at the very outset, how his missives stamp the man! Observe the determination of purpose, the clearness of design, the consciousness of power, the innate love of justice, and yet the devotion to subordination, which bespeak the advent of a great and a good military genius; such, indeed, as miserable Scotland had not seen since the murder of Montrose. And mark the manly, the gentlemanly, the independent, yet respectful freedom of his style, when thus suddenly brought into correspondence and converse with the highest authorities, and the haughtiest nobles of the realm. He knew himself equal in blood, and soon felt himself superior in capacity. A few stormy years, and this Captain of horse had reached these stars in nobility, distanced them in honour, and extinguished them by the glory of his exit.

The first letter of his known to be extant, happens to be coincident with the first moment of his first command in Scotland:—

"*For the Earl of Linlithgow,*
"*Commander-in-chief of his Majesty's Forces.*

"MOFFAT, *December 28th*, 1678.

"MY LORD:—I came here last night with the troop, and am just going to march for Dumfries, where I resolve to quarter the whole troop.

Digitized by Google

I have not heard any thing of the *dragoons*, thought it be now about nine o'clock, and they should have been here last night, according to your Lordship's orders. I suppose they must have taken some other route. I am informed, since I came, that this country has been very loose. On Tuesday was eight days, and Sunday, there were great field-conventicles just by here, with great contempt of the regular clergy; who complain extremely, when I tell them I have *no orders* to apprehend any body for *past* misdemeanours. And besides that, all the particular orders I have being contained in that order of quartering, every place where we quarter must see them, which makes them fear the less. I am informed that the most convenient post for quartering the dragoons will be Moffat, Lochmaben, and Annan; whereby the whole country may be kept in awe. Besides that, my Lord, they tell me that the end of the bridge of Dumfries is in *Galloway;* and that they may hold conventicles at our nose [and] we not dare to dissipate them, seeing our orders confine us to *Dumfries* and *Annandale.* Such an insult as that would not please me; and, on the other hand, I am unwilling to exceed orders; so that I expect from your Lordship orders *how to carry* in such cases. I send this with one of my troop, who is to attend orders till he be relieved. I will send one every Monday, and the dragoons [one] every Thursday, so that I will have the happiness to give your Lordship account of our affairs twice a-week, and your Lordship occasion to send your commands for us as often. In the meantime, my Lord, I shall be doing, according to the instructions I have, what shall be found most advantageous for the King's service, and most agreeable to your Lordship.

"I am, my Lord, your Lordship's most humble and obedient servant,

"J. Grahame."

"My Lord, if your Lordship give me any new orders, I will beg they may be kept as secret as possible; and sent for me so suddenly as the information some of the favourers of the fanatics are to send may be prevened, which will extremely facilitate the executing of them."

"*For the Earl of Linlithgow.*

"Dumfries, *January 6th*, 1679.

"My Lord:—In the letter your Lordship has been pleased to honor me with, you tell me that Captain Inglis has given your Lordship notice

Digitized by Google

that I had appointed him to quarter at Lochmaben and Annan, which must be a mistake in him; for the order I sent him was, to quarter one-half of his company at Moffat, and the other at Annan, where they are, and have been since they came into this country. Lochmaben I left out, because I was informed that there was no conveniency for lodging anybody there, which I find to be true, having been upon the place since myself. Nor does all this disagree from what I wrote to your Lordship about their keeping guard here in the Castle; I having, in the order for quartering, appointed ten men to be sent hither out of each of those quarters, who were to stay within the Castle; ten of them to lay in beds which I have caused prepare in a chamber of the Castle, and the other ten keep guard in the great hall, and relieve one another, for eight days, when there should come as many in their place. And this is no hard duty every tenth night. I have six of *my troop* every night on guard, which comes to the same proportion.

"My Lord, since I have seen the Act of Council, the scruple I had about undertaking any thing without the bounds of these two shires, is indeed frivolous, *but was not so before.* For if there had been no such act, it had not been safe for me to have done anything but what my order warranted; and since I knew it not, it was to me the same thing as if it *had not been.* And for my *ignorance* of it, I must acknowledge that till now, in any service I have been in, I never enquired farther in the laws, than the orders of my superior officers.[1]

"After I had sent the Council's orders to the Stewart-Depute, he appointed Friday last, the third of January, for the demolishing the meeting-house, and that I should bring with me only one squad of my troop. He brought with him four score of countrymen, *all fanatics*, for they would not lay to their hands till we forced them. Every body gave out that house for a *byre;* but when they saw that there was no quarter for it, and that we were come on the place, nobody had the impudence to deny it to have been built a-purpose for meeting, and that upon the expense of the *common purse* of the disaffected. It was a good large house, of about sixty foot of length, and betwixt twenty and thirty broad. It had only one door, two windows in every side, and one in every end. They had put up stakes alongst every side, and a *hek and manger* in one of the ends, to make it pass for a byre; but that was but done lately, after they had heard that it was taken notice of

[1] Yet Claverhouse has been accused of enacting scenes of abominable cruelty on his own sole responsibility. There never was a falser accusation. It will be found, that he was ever most scrupulous in acting within his orders, and reporting his proceedings.

Digitized by Google

for a meeting-house. The Stewart-Depute performed his part punctually enough. The walls were thrown down, and timber burnt. *So perished the charity of many ladies.*

"On Saturday night when I came back here, the sergeant who commands the dragoons in the castle, came to see me; and while he was here, they came and told me there was a horse killed just by, upon the street, by a shot from the Castle. I went immediately and examined the guard, who denied *point-blank*, that there had been any shot from thence. I went and heard the Bailie take depositions of men that were looking on, who declared, upon oath, that they saw the shot from the guard-hall, and the horse immediately fall. I caused also *search for the bullet in the horse's head*, which was found to be of *their calibre*. After that I found it so clear, I caused seize upon him who was ordered by the sergeant in his absence to command the guard, and keep him prisoner till he find out the man,—which I suppose will be found *himself*. His name is James Ramsay, an Angusman, who has formerly been a Lieutenant of horse, as I am informed. It is an ugly business, for, besides *the wrong the poor man has got* in losing his horse, it is extremely against military discipline to fire out of a guard. I have appointed the poor man to be here to-morrow, and bring with him some neighbours to declare the worth of the horse, and *have assured him to satisfy him*, if the Captain, who is to be here to-morrow, refuse to do it.

"I am sorry to hear of another accident has befallen the dragoons, which I believe your Lordship knows better than I, seeing they say that there is a complaint made of it to your Lordship, or the Council. Which is, that they have shot a man in the arm with small shot, and disenabled him of it, who had come this length with a horse to carry baggage for some of my officers; but this being before they came to Moffat, does not concern me.

"The Stewart-Depute, before good company, told me, that several people about Moffat were resolved to make a complaint to the Council against the dragoons for taking free-quarters; that if they would but pay their horse-corn and their ale, they should have all the rest free; that there were some of the officers that had, at their own hand, appointed themselves locality above three miles from their quarter. I begged them to forbear till the Captain and I should come there, when they should be *redressed in every thing*. Your Lordship will be pleased not to take any notice of this, till I have informed myself upon the place.

"This town is full of people that have resetted, and lodged constantly in their houses intercommuned persons, and field-preachers. There

Digitized by Google

are some that absent themselves for fear; and Captain Inglis tells me there are *Bailies* have absented themselves there at Annan, and desired from me order to apprehend them; which I *refused*, for they are *not included in all the Act of Council.* Mr Cuper, who is here bailie and stewart for my Lord Stormont, offered to apprehend Bell that built the meeting-house, if I would concur. I said to him that it would be acceptable, but that the order from the Council did only bear the *taking up the names* of persons accessory to the building of it.

" I am, my Lord, your Lordship's most humble servant,

" J. GRAHAME."

" *For the Earl of Linlithgow.*

" DUMFRIES, *February the 7th*, 1679.

" MY LORD :—The next day after I sent the rolls to your Lordship, I went to Annan, and communicated the business to Captain Inglis, that he might be in readiness again advertisement; and from thence I went to Moffat to meet your Lordship's order, which was half a day longer in coming than I expected. I gave Lieutenant Cleland orders to seize on three, and sent an express to Captain Inglis that he might seize on other three, and appointed them Wednesday at six o'clock at night to march. I came hither and found twenty dragoons going to relieve, whom I made stay, and sent them to seize on *Holmains*, *Dormont*, and *Denby*.[1] We got only Dormont, the other two, as they say, are gone to Edinburgh to give satisfaction to the Council. If they stay in this country, I shall endeavour to find them. I sent one of my corporals for the two Welches, and he found them both. I sent another for to seize on *Dalskarth* [Robert Grierson], but he found him not at his own house. We made search for him here in town, but did not find him, though he was here. The third brigadier I sent to seek *the wobster*. He brought in his brother for him. Though he maybe cannot preach as his brother, I doubt not but he is as *well principled* as he; wherefore I thought it would be no great fault to give him the trouble to go with the rest. I send Captain Inglis's letter, and his Lieutenant's, to your Lordship, which will give you account of their diligence. I have sent the prisoners away this day with a guard of twenty, ten troop-horse, and ten dragoons, commanded by Mr Crawford, one of my corporals. I hope your Lordship will send out to him when he comes near the town, to let him know to what place he shall bring them. I

[1] John Carruthers of Holmains, John Carruthers of Dormont, and George Carruthers of Denby.

Digitized by Google

expect orders from your Lordship about the fining of the others in the rolls.

"I am, my Lord, your Lordship's most humble and most obedient servant,

"J. GRAHAME."

"*For the Earl of Linlithgow.*

"DUMFRIES, *February the 8th*, 1679.

"MY LORD:—I was the day before yesterday at Thornhill, which my Lord Queensberry had appointed for the place where the Commissioners should meet with us about the furnishing hay and straw for the troops quartered in the shire and stewartry; but found nobody there but my Lord himself and *Cragdaroch*,[1] who seemed very forward in every thing that might be for the King's service, and very ready to do me particular kindnesses; but not being a quorum they could not proceed. They thought strange that we, who have the honour to serve the King, should be ordered by the Council to pay more for hay and straw than will be asked from any stranger; that if it had been recommended to them, they would have given us a better bargain. My Lord, I hope your Lordship will not suffer those under your command to be thus used, nor the Council suffer such a peremptory order of theirs, as that was, to be thus neglected. I am *forced* to let the dragoons quarter at large in the country. I have visited their quarters, and found it *impossible* they can subsist any longer there without a locality. What prejudice the King's service may receive by this I know not; but I am sure that it is extremely improper to be thus quartered, in a time that the Council seems resolved to proceed *vigorously* against the disorders of this country. In the Stewartry of Galloway we have got nothing done either. There has not been all this while in the country but two of the Commissioners, the rest are all at Edinburgh. What to do in this case your Lordship can best tell. For my part, if *my troop* come to want hay and straw, *I will go to any of the Commissioners' lands that are adjacent and take it;*[2] offering the rates, and think I do

[1] Robert Fergusson of Craigdarroch.

[2] See before, vol. i. p. 257, Queensberry's jealous and angry letter on the subject; where he says,—"As to the *locality* (for furnishing the troops with hay and corn), all the country is able to afford is offered; and, if more be ordered, I'm content Claverhouse *take it where he can find it;* and, for the *affair of the fanatics*, its an employment I'm not very ambitious of; and then Claverhouse and Earlshall exoner me of it, I shall acknowledge the favour, and do wish them success in that and their other trusts." But as the orders in Council are very peremptory on the subject,

Digitized by Google

nothing but what I may answer for, though I be very unwilling to disoblige any gentleman.

"My Lord, *good intelligence* is the thing we want most here. Mr Welsh[1] and others, preach *securely* within twenty or thirty miles off; but we can do nothing for want of spies. If the Council and your Lordship thought fit, there should be so many entertained for every quarter, which would be of great use. I am, my Lord, your Lordship's most faithful and most obedient servant,

"J. GRAHAME."

"*For the Earl of Linlithgow.*

"DUMFRIES, *February the 24th*, 1679.

"MY LORD:—I obeyed the order about seizing persons in Galloway that very night I received it, as far as it was possible; that is to say, all that was within forty miles, which is the most can be ridden in one night; and of six made search for, I found only two, which are John Livingston, bailie of Kirkcudbright, and John Black, treasurer there. The other two Bailies were fled, and their wives *lying above the clothes in the bed, and great candles lighted*, waiting for the coming of the party, and told them, they *knew* of their coming, and had as good intelligence as they themselves; and that if the other two were seized on, it was their *own faults*, that *would not contribute for intelligence*. And the truth is, they had time enough to be advertised, for the order was dated the 15th, and came not to my hands till the 20th. I laid the fellow in the guard that brought it, so soon as I considered the date, where he has lain ever since, and had it not been for respect to Mr Maitland,[2] who recommended him to me, I would have put him out of the troop with infamy. The names of the other two I made search for, were *Cassincarry*[3] and the *Lady Lauriston*,[4] but found them not. There is almost nobody lays in their bed, that knows themselves any-

and conclude "with *certification* that this *Commissionats* (of which Queensberry was the leading member), will be cited before the Council under pain of rebellion," doubtless some nervous feeling on the subject caused the Dumfriesshire potentate to add,—"Acquaint me, by the first, *if Claverhouse be gone to Edinburgh*."

[1] The notorious outlawed minister of Irongray, whom the Government had long endeavoured to apprehend in vain.

[2] Maitland of Gogar, Hatton's eldest son, and Lauderdale's nephew, who eventually became fourth Earl of Lauderdale. See before, vol. i. p. 370, *note*.

[3] John Moor of Cassincarry.

[4] The wife of Laurie of Lauriston.

Digitized by Google

ways guilty, within forty miles of us; and, within a few days, I shall be upon them *three score of miles off, at one bout*, for seizing on the others contained in the order.

"My Lord, I hope your Lordship will consider how hard it will be to keep so vast a country as this is, with *so few forces*. Betwixt Portpatrick, and some of the Duke of Monmouth's bounds lying within the Stewartry of Annandale (where I hear *Mr Williamson*[1] is at this present), there is above a hundred miles. However, my Lord, I shall do my best endeavours in every thing I am commanded. But it will be absolutely necessary to have garrison here. I resolve to take up my quarters at Kirkcudbright, because it is in the centre of the other quarters.

"There is one thing your Lordship would be pleased to give orders about, that those of the quarter of Ayr send before to secure the seaports on that coast, as I shall do at Portpatrick and Ballantrae: For all those rogues run over to Ireland; and nobody should have leave to pass without a sufficient pass; nor anybody sheltered in any place, or received, that fly from any of those disaffected places where the forces are quartered. I wait for orders about our march.

"I am, my Lord, your Lordship's most humble and obedient servant,

"J. Grahame."

"Your Lordship will receive here enclosed a bond of cautionry for the appearance of the two we have seized on, which I am informed to be sufficient.

Athole and Perth's offer of their Highlanders, to "improve the sterile loyalty" of the disturbed districts, had been hastily accepted, and that measure resorted to, in consequence of the inefficiency of the working of the heritable jurisdictions (including the various local subordinates of that phase of the civil power), in preserving the peace of the country. The expedient was arbitrary and barbarous, liable to great abuse on the one hand, and much misrepresentation on the other; and, withal, prompted too much by a feeling of personal offence against certain local magnates, and inferior magistrates, who were either supine or suspect in the performance of their duty to the public. Indeed, a government measure no sooner

[1] The famous *Mas David Williamson*. See before, vol. i. p. 277.

Digitized by Google

adopted than abandoned condemns itself. But the evil remained, and a very serious one it was under the existing circumstances. The heroic Lady of Methven took upon her to act with a vigour very dangerous to her personal safety (she, as stated by herself, having actually been *wounded* in the cause), as her husband's *depute* in the regality of Methven. It was not without reason that the Provost sounded her praises in those terms, " that if every master kept as strict an eye over their ground as the Lord of the regality of Methven allowed his wife to do, there would be no conventicles in the land." As the venerable Primate himself, *eheu moribundus!* wrote to that exemplary spouse, too many of her sex were wont to " tempt their husbands in this *evil time*, when schism, sedition, and rebellion, are gloried in." And other less amiable influences were not awanting to paralyse the powers of the Executive, even in the hands of Sheriffs-principal, and Sheriffs-depute, in whom, wrote the Bishop of Galloway, " the power and authority is lodged to suppress and punish these disorders." To recover the local jurisdictions from their condition of morbid or disaffected inactivity, a better alterative was now applied than the blister of the Highland locusts. *They made Claverhouse a Sheriff!* They appointed him Sheriff-depute of Dumfriesshire (including the Stewartry of Annandale), and also of the neighbouring Stewartry of Kirkcudbright, and the shire of Wigton, in all matters connected with the conventicle rebellion. The Lieutenant of his own troop of horse (a commission originally conferred upon himself), was Andrew Bruce, son of Sir Andrew Bruce of Earlshall. To strengthen the hands of the military commander in the south and west, this active and loyal officer was joined with Claverhouse in his new judicial vocation, and commissioned accordingly. This important measure was put into operation in the month of March of the same year, 1679, in which our hero first commenced his military career in Scotland. The following official letter (which we find among the Queensberry Papers), from the Chancellor Rothes to his dearly beloved correspondent, generally watching events in his old castle of Sanquhar, seems to have imparted a shock to the nerves, and a sting to the temper, of that imperious magnate, who was heritable Sheriff

Digitized by Google

of the shire of Dumfries and Annandale, and regarded himself as little less than Sovereign of those realms.

"EDINBURGH, 11*th March*, 1679.

"MY LORD:—His Majesty, for securing the public peace of the Kingdom, against all schismatic and seditious distempers, amongst other directions, hath thought fit, by a particular and express warrant, dated at Whitehall the 18th of January last, to empower his Council to nominate such persons to be Sheriff, and Bailie, *Deputes*, in such bounds as the Council should find necessary, who are, upon their recommendation, to receive *deputations* from the Sheriffs-principal, and Bailies, to put the laws into execution *only* against withdrawers from the public ordinances, keepers of conventicles, and such as are guilty of disorderly baptisms and marriages, resetting and communing with fugitives, and intercommuned persons, and vagrant preachers; which *deputation* his Majesty desires may be required *from you*, to show how unwilling he is to derogate from your rights; and his Majesty's Privy Council finding it necessary for the King's service, that the *Lairds of Claverhouse* and *Earlshall*, be, by your Lordship, named Sheriffs-depute of the Shire of Dumfries, for puting in execution the laws and Acts of Parliament foresaid, they desire your Lordship to *sign the enclosed deputation*, and to return the same to the Council betwixt and the 2d day of April next; which is to be without prejudice to any other of your Sheriff-deputes to judge jointly with the saids Deputes, or separately. This being an affair wherein his Majesty's service is specially concerned, we doubt not of your compliance with this our desire. Signed in name and by warrant of his Majesty's Privy Council, by

"Your Lordship's most humble servant,

"ROTHES, *Cancell.*, *I. P. D.*"[1]

This strong and somewhat arbitrary step, of course raised objections that rendered doubly harassing and difficult the onerous and multifarious duties thus suddenly imposed upon our Captain of horse. In vain had the Council introduced, in the name of his Majesty, that saving compliment to the hereditary Sheriffs. What! The King appointing Sheriffs of his own, within the heritable jurisdictions! What is this but an illegal and tyrannical invasion, and appropriation, of the property of

[1] Queensberry Papers.

Digitized by Google

the subject! Nevertheless it was the first step of a great and salutary revolution in the government of Scotland. That measure has been so well vindicated by Sir George Mackenzie, who got it passed into law, that we must quote his own words:—

"As to the *Cumulative Jurisdiction*, so much complained of because it gives the King a power to name *Sheriffs*, and other inferior judges, who may have an equal share in the administration with those who had the sole heritable jurisdiction formerly, whereby it is pretended the property of the subjects was invaded,—it is answered, that, *Heritable Jurisdictions* are of themselves very little to be favoured; because *the heir* must be *a judge*, both in matters of life and fortune, though he want probity, or knowledge in the law; and the interested superiors, or over-lords, had thereby the unfortunate poor vassals absolutely at their devotion: And therefore, by an old law in King James the Second's time, there was an Act made *discharging all heritable jurisdictions* without consent of Parliament: And Sir John Nisbet (the truly learned Advocate for the King) upon these, and many other good reasons, advised that all other heritable jurisdictions (because almost all granted since that time) should be repealed: And yet, though these heritable judges refused to concur in putting the laws against field-conventicles, and armed insurrections, in execution, or connived at them, *whereby they grew very formidable*, the Council, unwilling to take away these jurisdictions totally, chose rather to *name others to sit with those judges*, or to *supply their absence*, if they refused to come: But thereafter S. G. M.,[1] succeeding as Advocate, to prevent all debate, advised the bringing of this point to the Parliament, to the end, that that procedure of the King's Council might be either *uncontrovertedly legal*, if acquiesced in, or *let fall*, if refused: And, accordingly, the Parliament having passed it into an act, it seems great malice and ignorance to call this *illegal;* and, it being founded upon such just and

[1] i. e. Sir George Mackenzie himself, the author of the "Vindication." He succeeded, or rather superseded, Sir John Nisbet of Dirleton, as Lord Advocate, in 1677.

Digitized by Google

solid reasons, it seemed as strange why it should be thought *severe*; and never lawyer spoke against it, *except those who had heritable jurisdictions.*"[1]

[1] See before, p. 35, President Dalrymple's letter on the subject.

During a keen agitation, raised by some of the Sheriff-*Substitutes* in Scotland with a view to having their salaries augmented, a few years ago, there was displayed throughout the public discussion of the subject, a strange ignorance of the constitution of the office of Sheriff, both as regards its ancient history, and its more modern statutory modification. A writer in the 'Dumfries and Galloway Standard,' (an able and leading journal in the districts over which Claverhouse once presided as Sheriff-depute) announced (1852), that in each County there was a Judge called "the Sheriff-Depute—*Depute*, because the *Lord-Lieutenant* has the sinecure of *principal* Sheriff." This writer was not aware that the Sheriffs of Scotland came to have the adjunct *Depute* appended to their office, because they are *Deputed by the Sovereign*. Originally, and in the time of Claverhouse, these jurisdictions were, for the most part, heritably vested in favoured subjects, generally nobles, who had also the power of naming their own *Deputes*. When, in after years, under a better policy of government, the hereditary jurisdictions were all merged in the Crown, it became necessary that *the Sovereign* (being now paramount) should constitute Sheriffs by Crown commissions, or *deputations from the Sovereign*. These commissions bestow upon the Sheriffs the same privilege which the hereditary Sheriffs possessed of old, that, namely, of *appointing their own deputes*. But as they themselves were *Deputes of the Crown*, the subordinate officials whom they were empowered to appoint, were, in order to prevent a confusion of terms, called their *Substitutes*. A puzzling anomaly (very harmless and inconsequential however), is presented by the words of style used in the commissions of the Lords-Lieutenants of Scotch Counties. They are called "Lord-Lieutenant, and *Sheriff-Principal*." But this is *vox et præterea nihil*; and has no connexion whatever with the term *Depute* as applied to the Crown official, who is chief judge, civil and criminal, and head of the commission of peace, within the particular district. A Lord-Lieutenant, *as such*, possesses nether civil nor criminal jurisdiction in his county, and has no Court. He could not, as Lord-Lieutenant, even grant a warrant to commit a delinquent. The anomaly of his being styled "Sheriff-Principal," is rendered more remarkable by the fact, that in some recent *statutes*, relating to these local jurisdictions, the Sheriff of the County is actually designed "Sheriff-Principal," in contradistinction to the subordinate position of his own *Substitute*. A Report of Royal Commissioners on the subject, ordered by the House of Commons to be printed, 1818, thus distinctly and pointedly defines the office of Sheriff in Scotland as now constituted:—"As to his rank, therefore, and the nature of his jurisdiction generally, *the Sheriff*, *i. e.* the officer denominated Sheriff-*Depute* in the Jurisdiction Act, continues in effect to hold the same situation which the Sheriff occupied *under the Scottish Monarchy*. He is *now*, as the Sheriff was then, an *immediate Deputy of the King*, holding his commission directly from the Crown. And his civil and criminal jurisdiction in the County is altogether *exclusive* of a Principal, or High Sheriff, where such office exists." Moreover, the Jurisdiction Act, 20th Geo. II. c. 43, sect. 29, enacts,—"There shall be *but one* Sheriff-Depute in every county,

Digitized by Google

And thus our hero came to be Sheriff of Dumfriesshire; a judicial office which happens, at this moment, to be held by the author of these pages, under a higher tenure, with a higher jurisdiction, but somewhat less alarming responsibilities. The great *Q.* (a far more important character than his successor "*Old Q.*") was inclined to resist. But in that matter, and very properly, the great *L.* proved master. Sheriff-depute bloody Clavers obtained his *Deputation*, under the Earl (afterwards Duke) of Queensberry, which conferred upon him these powers: "With full power and commission to affix and hold Sheriff Courts at the ordinary places accustomed, issue forth precepts of summoning persons within the said shire, guilty, or that shall be guilty, of contravening the laws made against separation, being present at conventicles, persons guilty of disorderly baptisms and marriages, resetting and communing with fugitives and intercommuned persons, and vagrant preachers, and to *pronounce sentence against the persons guilty, conform to the laws and practice of this Kingdom;* and to direct precepts, and other executionals, for putting the same to due execution."[1] And so, in the very first year of his public employment, was Claverhouse armed with the powers both of the sword and the mace. Let us now proceed to illustrate in what manner he acquitted himself of these accumulated and very serious responsibilities.

Those earliest dispatches of his, to the Commander-in-chief, which we have already quoted, are all of prior date to his *judicial* appointment, which occurred in the month of March. In that month no letter or dispatch from himself has been recovered. But the following from his Lieutenant and Co-Sheriff, Andrew Bruce, dated 17th of March, has preserved a link, and serves to indicate the continued stir and movements of the expedition.

who shall have power to nominate and appoint *one or more person or persons* to act as *Substitutes* under him, for whom *he shall be answerable.*" And, by the Act 9th Geo. IV. c. 29,—"It is hereby provided, that the *Sheriff-Depute* may be addressed by the title of *Sheriff*, without the term *Depute* being added."

[1] See before, vol. i. p. 253, a draft of the Deputation from Queensberry to Claverhouse, from the papers of Mr Charles Kirkpatrick Sharpe.

Digitized by Google

"*For the Earl of Linlithgow.*

"DUMFRIES, 17*th March*, 1679.

"MY LORD:—When I came to this place Saturday night, I understood that Claverhouse's troop had marched hence, the Wednesday before, to the utmost parts of Galloway, by your Lordship's *former* order, the *last* not having reached Dumfries till Wednesday night; since the receipt of which, he [Claverhouse] ordered the troops' return hither yesternight, all save a party he hath left in Galloway. A Lieutenant and forty foot are come hither likewise.[1] Our horses are extremely fatigued. While the troop was here, many of the disorderly persons had fled, who, upon the troop's removal, returned. So that, *severity will be necessary here.* I am hopeful your Lordship will mind those instructions from the Council, to send them hither, that we may not pass our time idly. The ordinance [orderly?] which is at Edinburgh, will be relieved by a dragoon from Galloway, so that his coming hither presently will not disappoint your Lordship's service. We are exceedingly abused by *exacting* on us for hay and corn. The stone of hay not sold under x. pence-halfpenny; the peck of oats, 9 pence. The Commissioners for regulating our locality live at such a distance that they will never meet; and three being a quorum, they will do nothing if they be under that number.[2] If your Lordship think fit to add some to the number in the shire of Dumfries, it would ease the affair, namely, the Laird of Lagg, and the Laird of Closeburn.[3] I shall give your Lordship no further trouble than to confirm those dues of obedience I owe your Lordship, under the character of, my Lord, your Lordship's most faithful humble servant,

"A. B. *of Earleshall.*"

The next dispatch is from Claverhouse himself. It bears no date; but as Earlshall's letter mentions the excursion of the troop into Galloway, the unfortunate incident mentioned

[1] Militia, probably from Glasgow, where Lord Ross commanded. The expedition under Claverhouse consisted entirely of horse and dragoons.

[2] See before, vol. i. p. 254, the Act of Council naming these Commissioners, of whom Queensberry was the leading member, and his letters on the subject. There seems to be some mistake in the prices, as given in Earlshall's letters, and which he complains of as exaction, when compared with the rates ordered by the Privy Council, as quoted by Mr Charles K. Sharpe.

[3] Sir Robert Grierson, and Sir Thomas Kirkpatrick; both "steel to the back," as the Lady of Methven would say.

Digitized by Google

in the following had probably occurred during that movement:—

"*For the Earl of Linlithgow,*
"*Commander-in-chief of his Majesty's Forces.*

"MY LORD:—I take the liberty to write this line to your Lordship, on account of a disorder that befell some of the garrison of Stranraer when they parted from thence. William Graham,[1] who commanded there, was marched, and had commanded so many foot to wait on a prisoner whom they were to bring along with them, one of which offered to seize on the old Provost's horses, though without orders, which he endeavoured to hinder, and laid hands on the soldier, upon which he took a dirk, and gave the Provost a mortal wound, of which he is not yet dead, but is very ill. The soldier was seized on by the town's-people, and his comrade by the dragoons at Wigton; and since, when William Graham went back to clear off his quarters, he demanded the soldier of them, which they refused. I desire to know of your Lordship what is to be done in it. I think it not fit a soldier should be in their hands. But Philiphaugh will speak to you himself.[2]

"I am, my Lord, your Lordship's most humble servant,

"J. GRAHAME."

The fanatical activity of that great trumpet of rebellion, Mas John Welsh, the *bête noire* of Government among the armed conventiclers, seems now to have impressed Claverhouse himself, (who was by no means given to exaggerate the danger), with the idea that matters were on the eve of coming to a more serious issue with these vagrant bands of agitating rebels. Yet the following letter justifies the assumption, that, even in moments of excitement and alarm for the peace of the country, this most active and determined enemy of the Kirk-militant was never frightened either out of his propriety or his *humanity*.

[1] William Graham (of whom afterwards) was Cornet to Claverhouse, and certainly *not* killed at Drumclog.

[2] Probably these were militia-men, under command of Murray of Philiphaugh, who had been assisting the dragoons at Wigton. We have not succeeded in discovering the death of the Provost of Stranraer among Wodrow's "Sufferings of the Kirk."

Digitized by Google

"*For the Earl of Linlithgow.*

"DUMFRIES, *April the* 21*st*, 1679.

"MY LORD:—I have set at liberty Major Johnston, according to your Lordship's order. I was going to have sent in the other prisoners; but amongst them there is *one Mr Francis Irwin, an old and infirm man*, who is *extremely troubled with the gravel;* so that I will be *forced* to delay for five or six days. I find Mr Welsh is accustoming both ends of the country to *face the King's forces*, and certainly intends to break out in an open rebellion. I expect him *here* next. I am informed that there either was, or was designed yesterday, at Bigner, the terriblest conventicle that has been yet heard of. But I have no certainty of it; but it is generally believed here. I expect *opposition* when we come to *poind upon our decreets;* but I am not feared we be [de]forced. We lay all now at Kirkcudbright, and this place.

"There is here, in prison, a minister was taken above a year ago by my Lord Nithsdale; and, by the *well affected* Magistrates of this [town] has had the liberty of an *open prison;* and more conventicles have been kept by him there than has been in any one house of the kingdom. This is a *great abuse;* and if the Magistrates be not punished, at least the man ought not to be suffered any longer here, for *that prison* is more frequented than *the kirk.* If your Lordship think fit, he may be sent in with the rest.

"My Lord, I think it my duty to put your Lordship in mind that the arms of Militia, in this shire, as well as in that of Wigton and Annandale, are in the hands of the country people, though *very disaffected.* This may prove, in a sudden, dangerous. And besides this, the arms [that] were taken from the Stewartry are in the custody of the town of Kirkcudbright, *the most irregular place of the kingdom.* It were fit we had the guard of them; and leave, in case of necessity, to provide our infantry with swords, and to change some of our pistols for the horse. All those I got out of the Castle are worth nothing.

"I am, my Lord, your Lordship's most humble and obedient servant,

"J. GRAHAME."

"My Lord, I know not how to do for hay, now when we lay so strong. We have not yet had any locality, nor are we like to get money. For my part, *I'll never solicit it more;* but, *if the King's service suffer, let the blame lie where it should.*"

Digitized by Google

The interval between this last dispatch, and the next that we find from Claverhouse, dated May the 6th, is aptly supplied by two from the nobleman commanding in the west—Lord Ross, whose forces there were so soon to be combined with our hero's shattered squadron after the memorable affair of Drumclog.

"*For the Earl of Linlithgow,*
"*Major-General to his Majesty's Forces.*

"LANARK, *2d May*, 1679.

"MY LORD:—There hath nothing occurred, since your Lordship parted hence, which is considerable, else I had given you notice of it. By letters from Claverhouse at Dumfries, and Captain Murray from Ayr, I can learn nothing but of an *inclination* to rise, but that there are none yet actually in arms. Captain Murray says, he finds there has been more noise made than there was good ground for, in that country. I have given them notice of the condition of affairs here, which at present is pretty quiet and peaceable. I know not how long it will continue to be so. This last night a *horrible abuse* hath fallen out, and of such a nature that I could not but give your Lordship notice of it by this express. Some eight or ten soldiers, belonging to Captain Ogilvy's and Captain Balfour's companies, being gone to the country, to the parish of Pitenen, of purpose (as it seems), *to rob*, took occasion at night to fall out with some country people, who, having fled to a house where there was a good strong gate, which the soldiers not being able to break open did threaten to burn, and accordingly did actually set fire to it; and thereafter, not being able to fire it, by reason of the insufficiency of the materials without and the people's diligence by throwing water upon it from within, they went away, breaking open a poor widow woman's house, which was near by, taking three pieces of cloth which were in the house. This morning *I have apprehended eight of them*, and have examined them in presence of three of the complainers; and, though all of them denied most impudently, yet by fair promises I prevailed with one of them to confess, who has declared very ingenuously; for which cause I must intercede for him, because he has my promise, and is in effect *D*[*octor*] *Oates* in the case. My Lord, the raising of wilful fire, and *hamesucken*, (the house being *the men's own*, where they were invaded), are things of that high nature, that your Lordship will easily think that nothing was proper for me but to lay them in irons, which I have done. I hear many gross things are

Digitized by Google

laid to our charge; but, believe me, this is *the first* that hath come to the knowledge of your Lordship's most faithful and humble servant,

"ROSSE."

"*For the Earl of Linlithgow,*
"*Major-General to his Majesty's Forces.*

"LANARK, *5th May*, 1679.

"MY LORD:—I sent one of the Earl of Home's troop to Edinburgh, on Wednesday last, to attend your Lordship's commands. By another of the same troop on Friday thereafter, I gave your Lordship an account of a disorder committed by some of our men in the country, none of which (troopers) being yet returned, I do again intreat your Lordship will give orders concerning the committers of that abuse.

"My Lord, upon information that a tenant of Cleghorn's [1] had some of these new fashioned arms, Haliburton, with six of Earl Home's troop, were ordered out to seize the man and the arms. The man they got, but no arms, but a halbert only, which being done, instead of returning with the prisoner, they put up their horses in several stables, and, I believe, fell a drinking; in which time some few people fell upon them with forks and the like, and hath wounded one of the soldiers very desperately ill; and really all of them give but a very ill account of themselves in that action. Haliburton says, he durst not fire upon them, because he had not a *remission* in his pocket. However, the fellow and his halbert are both here. I have spoke with the man. He is a *great rogue*, and a young fellow, and does not deny but he is *listed*, as one who is to *defend those field conventicles in arms*. Those who fell upon the soldiers are all fled; but Cleghorn promises me all their names. And this is the whole account of *that* affair. As to any thing else, we are just in the same condition ye left us. I could learn of no meetings to be yesterday anywhere; and therefore sent out no parties, lest I should weary the King's forces unprofitably. By one belonging to Claverhouse, I received your Lordship's of the 3d instant. It is *impossible for us to fight with wind.* But if any of these people *do appear*, be their number what it will, we shall either give an account of them, or *they of us.* If Claverhouse be to have any detachments from this, I expect your Lordship's order for it, having no warrant for it as yet. I am ever your Lordship's most faithful and humble servant,

"ROSSE."

[1] Lockhart of Cleghorn. The new arms here spoken of, appear to have been pikes with a *cleek*, or crooked knife attached, to cut the dragoon bridles.

Digitized by Google

These dispatches from Claverhouse and his co-adjutor Lord Ross, abundantly prove that the military chiefs, whose arduous and most unpleasant duty it was to crush the conventicle rebellion, were actuated in all they did by the very same principles and motives, the same sense of honour and duty, that, under similar circumstances, would have ruled the conduct of a Wellington, a Napier, or a Clyde. Away with all that noisy nonsense about chiefs of hell, and dragoons of Beelzebub, sounding brass and tinkling cymbal! It was Montrose that said, with his dying breath,—"Disorders in arms cannot be prevented; but they were no sooner known than they were punished." Claverhouse and his noble comrade could with perfect justice say the same. The troops under their command were, of course, not free from the usual vices, and sins against subordination, incident to the soldiery of all nations, and all times. But that, as a body, they were *par excellence* licentious, and diabolical; that, "pre-eminent among the bands which *oppressed and wasted* these unhappy districts were the dragoons commanded by *James* Graham of Claverhouse;" that, "with the army was mingled a militia, *composed* of the most *violent and profligate* of those who *called themselves Episcopalians*;" that a *travestie* of "the torments of hell" was their pastime; and their familiar *soubriquets*, "the names of devils and damned souls;" that the whole aggregate of this military community constituted "Tophet on earth," over which Claverhouse, "rapacious and profane, of violent temper, and of obdurate heart," exercised the dominion of Satan,—all this, we say, is not only utterly baseless as history, but presents a specimen that may be pronounced *unique* of a towering genius sacrificing at the altar of ridiculous bombast. Even Wodrow, with the inconsistency of a falsifier, *pretends*, when it suits him, that these fiendish troopers were converted on the spot by a prayer from John Brown, and *humanely* mutinied against the command to execute him. And as for their commanders —"chiefs of this Tophet,"—we may leave even the letters already quoted to answer for them. The next dispatch from Claverhouse is dated on the 6th of May.

Digitized by Google

" *For the Earl of Linlithgow.*

DUMFRIES, *May the 6th*, 1679.

" MY LORD :—On Saturday night last, I ordered Captain Inglis, with the garrison of Kirkcudbright, to be here on the Sunday morning, which he did. I mounted the foot, and marched with all towards those places where the conventicles had been the Sunday before; first, to the head of *Glenea*, where *Vernor* had preached; and then to Queensberry Hill, where *Arnot* and *Archibald* had preached; and then to the borders of Crawford Moor, where *Cameron* had preached the Sunday before, and did actually preach that very day the matter of three miles from the place where we were at, though we could see no appearance of them in any place we had been, because of the thickness of the fog. We lost two parties we sent off. They [did] not find us till next morning. They took three tenant-men coming from that meeting. I have not had the time to examine them strictly; but I hear it was really Cameron preached. And yet it is thought he would not have waited for us if we had found him out. I must say, that amongst officers and soldiers, I found a great desire to be at those rogues. And I have declared to them, if *ever we meet*, they must either fight in good earnest, or be judged as cowards by a council of war.[1] The dragoons marched that day, *without a bait*, above fifty miles, of which there was about fifteen of *horrid hills*.

" My Lord, I have received an order yesterday from your Lordship, which I do not know *how to go about*, on a sudden, as your Lordship seems to expect. For I know not what hand to turn to—*to find* those parties that are in arms. I shall send out to all quarters, and establish spies; and shall endeavour to engage them Sunday next, if it be possible. And if I get them not here, I shall go and visit them in Teviotdale or Carrick; where, they say, *they dare look honest men in the face*. But, my Lord, it had been necessary that the Council had not only warranted us to *give out money* for spies, but also had appointed *where we should find it*. For, I declare, I *had to do*, to pay that night's quarters we were out. In the town we got some *credit*. But, if we march, I *must* take free quarters. For I cannot pay money, *if I get none*. Sir William Sharp[2] is short of paying us, near six hundred

[1] It would appear from this that Claverhouse had entertained some doubts as to his troops fighting " in good earnest " with the armed conventiclers.

[2] Sir William Sharp, brother to the Primate, held the office of " King's Cash-keeper."

Digitized by Google

pounds *sterling;* and has now sent bills upon the Excise of the Stewartry for a small part of it; yet more than *is due*, in either Stewartry or Shire.

"My Lord, we have now got a *locality* here, with a great deal of difficulty. My Lord Queensberry[1] has been *very unkind to us;* and has a mind to apply himself to the Council, to get the shire eased of a part of the locality; and, for *bygones*, intends *no reparation for the poor troopers.* My Lord, I beg that there be nothing done in that *without we be heard.*

"My Lord, I hope your Lordship will pardon me, that I have not sent in the prisoners that I have here. There is one of them that has been *so tortured with the gravel*[2] it was impossible to transport him. Besides, expecting considerable orders, I had no mind to part with thirty or forty horses. And then Sunday's journey has a little jaded our horses. No appearance here of any stir. I am, my Lord, your Lordship's most humble servant,

"J. GRAHAME."

It would seem, from the tenor of the two last letters, the one from Lord Ross, dated 5th May, and the other from Claverhouse, dated 6th May, that the dreadful intelligence, of the murder of the Primate, which occurred on the 3d of May, in the neighbourhood of St. Andrews, had not as yet reached either of them, in the south and west of Scotland. A few antecedents, of that frightful climax of the iniquity of the Covenant, must be shortly traced, before we return to the dispatches of Claverhouse, and the great events which soon brought this, his first campaign against the Conventicles, to a sanguinary conclusion.

While Claverhouse and Lord Ross, each in their separate commands, were thus, with all manner of equity, humanity, and soldierly discipline, preserving the public peace committed to their charge, the savage tactics, and doctrines, of the Argyle Rump, now represented by the outlawed preachers, were producing their natural fruit in various directions. We need go no further than Wodrow's own collections, and

[1] See before, vol. i. p. 254, Queensberry's correspondence on the subject,

[2] Francis Irwin, mentioned before, a conventicle preacher, who had been outlawed. He was sent to the Bass, by the Privy Council, on the 29th May 1679. See before, vol. i. p. 139.

Digitized by Google

chronicles, for the facts. Their "open rebellion, and the *printing of jesuitical murdering tenets*, and the deforcing and invading such as are clothed with our authority," are denounced in a proclamation issued by the Privy Council, of date 12th March, 1679, upon the particular occasion which is therein thus stated, and a reward offered for discovery of the perpetrators: "Amongst many instances whereof, some villanous murderers did lately lay a design to kill and assassinate the Town-Major of Edinburgh (Johnston), for whom they having sent, upon *pretext to dissipate a conventicle*, they did discharge many shots at him, and other soldiers who assisted him, and thereafter wounded him and them mortally[1] in several places of their bodies, threatening to kill him if he would not swear never to put our laws in execution." On the 30th of the same month of March, a royal commission to the Privy Council again announces, that, "some of our forces quartered in the shire of Lanark, being informed of a numerous field-conventicle kept at Cumberhead, in the parish of Lesmahago, and a party of them having gone to the place, and required them in our name to dissipate that unlawful meeting; the said persons being *formed in companies, and troops, and armed in a warlike manner*, did not only most villanously and traitorously refuse to dissolve, but invaded and assaulted the said party, fired upon them, and wounded and took several of them prisoners, which they kept and detained during their pleasure." On the 25th of April thereafter, the Committee of Council at Lanark report, *inter alia*, that they had "received frequent informations, from divers places, of murdering some, wounding and robbing of others of his Majesty's forces, that were sent to bring in his Majesty's cess, and excise; and, particularly in the parishes of Monkland and Strathaven in Lanarkshire, where the soldiers were robbed and beaten, their arms taken from them, and kept prisoners, as appears by their depositions herewith produced; and in the parish of Newmilns, in the shire of Ayr, two of the soldiers killed, and others wounded, as appears by letters from the commanding officer there; and a tumult and insurrection

[1] By "mortally" is here meant desperately; for none of them appear to have lost their lives upon this occasion.

Digitized by Google

made within the town of Renfrew, upon the Sheriff-depute's taking of one *Walter Scot*, a late magistrate, a *noted ringleader of Conventicles*,[1] and of such like disorders; and of the *beating and wounding* of the Laird of Beltrees, *Sheriff-depute*, to the hazard of his life, and deforcing them, and rescuing the prisoner, as appears by the depositions of the other Sheriff-depute, and two other persons." Wodrow himself has the boldness to face the details of the last-mentioned brutal murder; and the effrontery to assert, that "*suffering presbyterians* cannot be charged with it;" the vague and jesuitical terms in which he was wont to clothe his references to the clerical ruffians of the conventicles, whose preachments did all the mischief. Three foot soldiers were quartered upon a countryman (who had resisted the cess) near Loudon-hill, and had been so quartered for about ten days. That they were perfectly well behaved, is abundantly proved by this admission of Wodrow's: "The man in the house being sick, they were *not altogether so outrageous* as many of their gang at this time used to be." Nevertheless, Wodrow proceeds to tell us, "the *wife*, or woman-servant, threatened them, that if they left not the house, they might *come to repent it*." These good and peaceable soldiers replied,—"they came by orders, and behoved either to have their errand, or orders to go away." One of them had gone to Newmilns, leaving his two comrades at their post, whose tragic fate Wodrow thus narrates: "Upon Sabbath morning, April 20, 1679, *five horsemen, and about as many foot*, came, about *two of the clock in the morning*, and rudely knocked at the barn-door where the remaining two soldiers were lying: They, taking it to be their comrade come from Newmilns, one of them rose, in his shirt, and opened the door: He was saluted with reproachful words,—'Come out you damned rogues,'[2] and was shot through the body, and fell down dead, without speaking one word: The other got up upon this, to put to the door, and received a shot in the thigh from the same hand: The *assassin* alighted from

[1] A coincidence of names that will scarcely account for the great Sir Walter portraying, in his history, these "rendezvouses of rebellion," with such romantic and fabulous lenity.

[2] The Scotch Saints-militant were wont to use unsaintly language.

Digitized by Google

his horse, and came in upon the soldier, who grappled a little with him, till another came up, and knocked him down: He was perfectly *dammished* with the stroke, and when he recovered his senses, he thought it convenient to lie still in the place, as dead: The *murderers* came into the barn, and took away the soldiers' arms and clothes, and in a little went off: This soldier lived till the Friday or Saturday after, and then died of his wounds: The people of the house said, *they knew nothing of the matter.*" But Wodrow admits that the people of the house had previously *threatened* these soldiers; and he even surmises that the one who was absent had timeously taken the hint. It is all very well for this cunning chronicler to bestow the epithets, "assassins," and "murderers," upon such emissaries of the conventicle commanders, and to pretend that these armed *horse and foot*, were merely isolated midnight murderers and robbers, trading (if we may borrow a cant phrase) entirely "on their own hook." But the dying soldier recognised in the leading murderer, *John Scarlet*, who had been in the pay, as one of his body-guard, of that vagabond Mas John Welsh, the outlawed preacher upon whose head Government had so justly set a price.[1] And, in the very next page, Wodrow himself lets out this light, from a chink in his crazy skull,—"It is *very certain*, that, *about this time*, matters were running to *sad heights*, among the *armed followers* of some of the *field-meetings*"!

Such proceedings appear to have somewhat alarmed those whig noblemen and gentlemen of Ayrshire, who had previously counselled covenanting indulgence. "This falling out," says Wodrow, "in the shire of Ayr, where a handle had been taken from things less clamant than this, last year, to harass and *depopulate* that country; and the noblemen and gentlemen there detesting such villanies, they met at Ayr

[1] Wodrow quotes from the Justiciary records, of date 12th May, 1679 (nine days after the murder of the Primate), as follows: "John Scarlet, tinker, being examined by the Lords of Justiciary, declares, that, in summer 1674, the declarant did take on to *serve with Mr John Welsh*, and was to have *twelve pounds in the half year, and clothes*; and that he had *a horse from him with a sword and pistols*, upon which he rode; and that he was but with him a fortnight, and there were in company, one Bell, and Sutherland, and some others, who still had swords and pistols. Declares he cannot write." See Wodrow's History, vol. iii. p. 36–8.

Digitized by Google

upon the 28th of April (1679), agreed upon, and by three of their number sent in the following letter to the Council; which, *I am well informed*, was designed both to *exoner themselves*, and to be a *preamble* to an *intended* address to the King, for some relief to their burdens, and *further liberty to Presbyterians.*" No liberty had ever been denied the Presbyterians as such. Translated out of this rubbishy *Wodrowana*, the above just means, that certain leading whigs in that district, who, for their own interests, and in furtherance of their own political cabals, had been playing with rebellion, and pandering to turbulent ignorance, finding matters proceeding farther, or at least faster, than suited their own safety, suddenly deserted the cause with which they had been sympathising, and put on the helmet of conservatism, and the breast-plate of loyalty, in the following address to the Committee of Council; which was presented by three noted whigs, one of whom, Sir John Cochrane of Ochiltree, became, ere long, a notorious and outlawed rebel:—

"My Lords:—The noblemen, gentlemen, and heritors of the shire of Ayr, undersubscribing, being met here this day, by the knowledge and allowance of several of the Lords of his Majesty's Privy Council, having heard of an *horrid murder* committed upon the person of one of his Majesty's soldiers, and the wounding of another, upon the borders of this shire; as also, of some *armed field-conventicles*, of some number of the commonality, sometimes in one place and sometimes in another, upon the confines of this and other neighbouring shires, *occasioned by a few unsound, turbulent, and hot-headed preachers, most part whereof were never ministers of the Church of Scotland, making it their work to draw people to separation and schism from pure ordinances, and instil in them the seeds of rebellion, by their informations, exhortations, and doctrines, as we are informed:* We, in the sense of our duty to *Authority and Religion*, and the peace and quiet of this kingdom, have thought it fit and incumbent upon us, in all humility, to signify to your Lordships our detestation of, and dissatisfaction with, these *horrid and dangerous courses;* and we shall endeavour not to be wanting, in our capacities and stations, in any thing that becomes *good Christians*, and *loyal subjects:* And that we may not be further troublesome, the *Earl of Loudon*, *Lord Cochrane*, and *Sir John Cochrane*, will give a fuller account of the matter of fact, which we humbly in-

Digitized by Google

treat may be communicated to the Lords of his Majesty's Privy Council."[1]

No more perfect justification, of the military duty imposed upon our hero, (that of dispersing, hunting down, destroying, or driving out of the kingdom, the armed congregations who were guilty of, and promoted, "these horrid and dangerous courses,") could be required than this whig declaration. Of itself, this utterly destroys the whole case against Claverhouse, and completely justifies the Government in all their attempts to crush the conventicle system, ere that should again rear its serpent crest in the form of an Argyle rebellion. It was a difficult document for Wodrow, whose whole history is an apology for, and glorification of, these very Conventiclers. But the conceit, and self-sufficiency, of this purblind fanatic, was unbounded; and he flattered himself, that any difficulty of the kind could be at once got over by some flimsy, jesuitical gloss, or unscrupulous assertion, of his own. As a countervailing comment, upon this whig denunciation of the Conventicles, (against which alone Claverhouse warred), he enriches history with a marvellous mixture of incoherence and the very effrontery of truth-denying dogmatism: "Whether the information here, as to their doctrine, was true, *I do not know;* but, *as far as I can learn*, there was yet no disowning of the King's authority, though it was *some of these the gentlemen point at* who, *afterwards, did come this length;* and, until this spring, nothing of *unsafe doctrine* could be at all charged upon *field-preachers;* and it was but *some few* run this way *either"!* We may be forgiven, if we prefer the evidence, on this head, of the contemporary leading whigs of Ayrshire, to that of this elegant historian, in a later century, whose paternal uncle had

[1] We quote this document from a transcript among the Wodrow manuscripts, to which no signatures are attached. Wodrow has also printed it, but without signatures. That it was a whig move, however, is abundantly manifest from the names of the presenters. Sir John Cochrane is he of whom Claverhouse, in one of his letters (to be afterwards given entire), while defending Lord Dundonald from the charge of rebellious conduct, says,—"The Duke (of York) is juster than to charge my Lord Dundonald with Sir John's (Cochrane) crimes; *he* is a *madman*, and let him perish; they deserve to be damned would own him."

Digitized by Google

been hanged for these "horrid and dangerous courses," and whose own father had narrowly escaped the same fate.

And such were the immediate antecedents of the murder of the Primate of Scotland, on the 3d of May 1679. Murdered, not by the people of Scotland, whose national character has been degraded to the lowest pitch by the calumnious attribute. Not by the Presbyterians of Scotland, who have been terribly traduced by the foul imputation. But by nine followers of the Covenanting faith, and bullies of the Conventicle system.[1] Murdered, not because the murderers were rigid Presbyterians, and disciples of Calvin; but because they were unmitigated scoundrels, and emissaries of Satan.

Among the thousand falsehoods of his monster libel, Wodrow, moved by the mean desire to dilute a crime with which he sympathized, and adopting *con amore*, and thrusting upon the unhappy history of Scotland, the narrative, and the style, of the murderers themselves, presents us with the following:— "This *bloody and perfidious man*[2] was *cut off*, and came to this fatal exit by no premeditated and formed design, but circumstances offering *an occasion*, it was very suddenly given in to." And what was the occasion? The Primate's travelling in his own coach, with slender attendance, in company with his daughter! The premeditation and deliberate plan of this mur-

[1] "Therefore we, with the advice of our Privy Council, do command and charge all Sheriffs, Bailies of Regalities and Bailiaries, and their Deputes, Magistrates of Burghs, and others in authority under us, to search for, seek, take, and apprehend, the persons after named, viz., John Balfour of Kinloch; David Haxtoun of Rathillet; George Balfour in Gilstoun; James Russell in Kettle; Robert Dingwal a tenant's son in Caddum; Andrew Guillane, webster in Balmerinoch; Alexander and Andrew Henderson, sons to John Henderson in Kilbrachmont; and George Fleming, son to George Fleming in Balbuthy, *who did perpetrate and commit the said horrid murder*." Royal Proclamation, dated at Edinburgh, 20th September 1679. The following convenient *epitome* is lamentably characteristic of Lord Macaulay's mode of writing political history:—"In Scotland, some of the *persecuted Covenanters, driven mad by oppression*, had lately murdered the Primate."—*Hist. of England*, vol. i. p. 257.

[2] For whose blood is he answerable? He saved the forfeited life of Gillespie. He pleaded for the forfeited life of Guthrie. And these are facts of which Wodrow was cognizant, but *suppressed*. What "perfidy" did he ever commit? These vague and stereotyped accusations, from a foul-mouthed faction, never have been, and are not capable of being, proved against the murdered Prelate, of whom that faction was jealous unto death.

Digitized by Google

der, were placed beyond all question, by the proof which the Government immediately led. That the villains intended also to murder Mr Carmichael, because he was an active magistrate and did his duty, (for of his alleged *cruelties* and *oppression* there is not a vestige of proof), has been asserted by the murderers themselves, in order to attach the character of *mere accident* (which they also called "the finger of God") to the murder of the Archbishop.[1] But if any thing be proved in History

[1] Wodrow's outrageous libel on Mr Carmichael, given, as usual, without an attempt to prove it, and that for the best of all reasons, presents unmistakeable marks of falsehood in every line of it. This gentleman, doubtless an active magistrate, had been appointed Sheriff-depute of Fife, and is thus mentioned in one of the papers appended to "A true and impartial account," of the murdered Prelate's life and death, collected and printed in 1723, to meet Wodrow's abominable lies:—"Bailie Carmichael being deputed, by the Sheriff-principal of Fife, to execute the laws against field-conventicles, and other disorderly persons in Fife, *did neither rob nor spoil*, but proceeded in a legal and moderate manner, in sentencing and fining, *according to law*, such as were cited before the Sheriff-Court, according to very considerate and *legal instructions he had received from the Privy Council* for that effect. Nor doth it appear, that any of the bloody murderers of the Lord Archbishop were (*i. e. had been*) ever so much as cited before the said Depute, much less fined by him; so that this pretence, for so bloody a villany, is altogether vain, groundless, and frivolous." Whoever has been in the habit of consulting contemporary and authentic records on such subjects, instead of being carried away by fanatical falsehoods, (to sift and detect which, indeed, involves much nauseous labour), will at once be satisfied that this is the truth and common sense of the case. Sheriff-deputes were no more suffered to act according to their own caprice, or to perpetrate oppression and cruelties, in those days, than they would be now. It was a highly responsible office; and its duties, more especially at that crisis, were regulated by the most precise instructions issued from time to time by the Privy Council. Of the proper performance of these duties, a regular and formal account was required at the hands of such officials. As for the application of *torture*, that lamentable power was controlled by the strictest rules of the law and the constitution. It could only be exercised under the immediate orders of, and at the sight of, the highest tribunal in the land. A Sheriff-depute taking upon him, at the dictation of his own caprice, or cruel dispositions, to administer torture in order to obtain evidence of crime, would not have been tolerated for a moment. He would himself have been subjected to the severest penalties of the law, according to the circumstances. This premised, we ask the intelligent and truth-seeking reader to pass judgment upon the following farrago of falsehoods, with which Wodrow, *without an attempt at proof*, has insulted History:—

"It would be *endless* to narrate all his (Mr Carmichael's) cruelties and oppressions. *Besides* his apprehending, fining, and imprisoning *multitudes*, and poinding, harassing, and plundering them, it was *his custom* to *seize servants*, and put *fiery matches betwixt their fingers*, and *torture* them *many various ways*, till they should discover where their masters were, or *anything belonging to them*: Frequently, *also*

Digitized by Google

it is this, that the crime had been long premeditated. Indeed, it was more than once attempted before. The final attempt, which crowned villany and cowardice with success, had been deeply designed. The scattered and well watched Conventiclers were now hopeless of striking a great blow in rebellion. In 1666 they had made the attempt, but could not take "one or more *towns* or *fortresses*," at the dictation of the dirty Dutch. But they might achieve some *great murder*, and escape to Holland. The life of their Sovereign was beyond their reach. Lauderdale, Rothes, Queensberry, and such like, in the hawking field, or at the festive board, could handle their weapons, and, even if taken at cowardly disadvantage, might *die game*. But the unarmed and peaceful churchman, trusting alone to the sacredness of his office, and the sanctity of his person, and usually travelling in a lumbering coach with a daughter for companion, was a prey that, instead of daunting, armed their ferocity with a felon courage. Moreover, from the first moment of his so called *apostacy*, (which truly meant the triumph of the moderate Scotch Ecclesiastics over the mad) the *protesting* party, that is to say, Covenanters of the stamp of Argyle and Warriston, had marked him for destruction. From first to last, the apostles of that party *suggested* and *inculcated* the crime, and called their vile precepts *prophecy*! Dr M'Crie (whose fame is founded on a specious apology for John Knox), loved to record, through some fanatical manuscripts, edited by him as if they had been Holy Writ, how "famous Mr Wood, Professor in St Andrews," so early as at the opening of Middleton's Parliament, soon after the fatal mitre had descended upon Sharp, thus *prophecied*

he used to *beat and abuse women and children*, to make them inform against their husbands and parents. *Innumerable more* cruelties and violences are *charged* upon him: BESIDES, *Rapes, Adulteries*, and *other* abominable wickednesses, in,—*informations before me (!)* And *matters* now stood so, that no legal method of redress from such *hardships* could be expected; all doors were shut."—*Hist.* vol. iii. p. 41–2. Every page of the Privy Council Register bears witness to the falsity of this most disgusting compost of malice and nonsense. A monster such as here described, by the clerical chronicler who records the murderers of Archbishop Sharp with the most tender sympathy, would not have been suffered, by any of the Governments of the Restoration, to live through one tithe of the crimes here imputed to the Sheriff-depute of Fife.

Digitized by Google

his fate:—"He came up in the Commissioner's coach, and coming first out, turned to receive the Commissioner with his hat off; so we had a full sight of his face, to which Mr Wood looked very seriously, as being much affected,[1] and said these words in my hearing,[2] and *others in the shop:* 'O *thou Judas*, and *apostate traitor*, that hast betrayed the famous Presbyterian Church of Scotland to its total ruin, as far as thou canst! *if I know anything of the mind of God*, thou shalt not die *the ordinary and common death of men:*' And, though it was spoken about eighteen years before, yet it is well known that it was *exactly accomplished anno* 1679."

But these promoters of murder had never ceased so to speak, and so to write, during the whole interval; and by consequence the crime had been repeatedly attempted ere it was "exactly accomplished." One of the murderers, James Russell, left in manuscript a fanatically doctored account of the whole affair, spiced with the vilest calumny against their victim, of which apotheosis of their iniquity Wodrow having made his own use, Mr Charles K. Sharpe very properly printed it entire, as an appendix to Kirkton. Never did covenanting scripture show more horrible. The Christian shudders as he peruses that Hallelujah of Hell. Now, even the blasphemous assassin who concocted it, exultingly admits how predetermined was the crime. He narrates, that "he had been at several meetings, with several *godly men*, who not only judged it *their duty to take that wretch's life*, and *some others*, but had *essayed it twice before*, and came to the shire *for that purpose;* and once wonderfully he escaped at the Queensferry, for he went down to Leith with the Chancellor in a boat; in the meantime they were on the other side coming over, but knew nothing of it; and *the Lord kept them back at that time*, he (Bishop Sharp) having more blood to shed; for this was about eight days before *Mr James Mitchell was executed.*"

The Archbishop himself, having long experience of the

[1] With malice and envy.

[2] That is, in the hearing of William Veitch, a fanatical dominie of the Covenant, whose MS. autobiography Dr M'Crie edits *con amore*, and who, according to this Veitch's own account of himself, well deserved to have been hanged, and was very mercifully dealt with in being spared.

Digitized by Google

deadly malice of the *Remonstrators* or *Protestors*, that wild and impracticable faction of the divided Kirk to which he was always most consistently opposed, had disciplined his own mind to regard as a probable, if not inevitable event, the frightful tragedy that closed his Christian career. James Mitchell, the very scum of low ruffianism and debauchery, cloaked under fanaticism, gave him a foretaste of his doom. Upon the occasion of that narrow escape, the Primate was formally congratulated by one not yet a prelate,—him whom Claverhouse called "Gibby." We may believe, even upon Burnet's authority, that Archbishop Sharp, regarding his escape as a warning, "was *much touched* with it." We know what King William's Bishop intends by adding,—"and *put on a show of devotion on it.*" What was the show? "He said," continues Burnet,—"he said with a very *serious look*, 'My times are wholly in *thy* hands, O thou Lord of my life!'" Than which a more solemn and touching expression of resignation to the Divine will, never fell from Christian lips. And what is Burnet's comment? "This was *the single expression savouring of piety*, that ever fell from him in all the conversations that passed *between him and me!*" Than which a meaner sentence never dropt from a meaner or more dishonest pen.

The last dispatch from Claverhouse, which we have quoted, is dated May the 6th, the third day after the murder of the Primate. As he makes no allusion to the most exciting of events, we are led to believe that it had not yet reached his ears. Lord Ross, writing on the 5th, is also silent on the subject. The next letter (as yet recovered), from Claverhouse to the Commander-in-chief, is dated on the 29th, by which time he must have heard the terrible news with which all Scotland was ringing. But as he still takes no notice of it, there can be little doubt that some dispatches had intervened, in which he had given vent to his feelings of distress and indignation. Manifestly, however, his was not a mind to be carried, or violently excited, even by an incident so startling and horrible; and we can trace no exaggerated perceptions of public danger, or anticipations of a great rising, even in the dispatches written very recently after the murder, and under

Digitized by Google

circumstances certainly not calculated to allay such natural alarms.

"*For the Earl of Linlithgow,*
"*Commander-in-Chief of his Majesty's Forces.*

"FALKIRK, *May the 29th*, 1679.

"MY LORD:—I came here last night with the horse and dragoons and munition in good pass. This morning a shoemaker fired out of his window in at the present Bailie's, *where three of my men were sitting at meat and bread*, two bullets within a foot of them. The rogue fled immediately out of town. Two countrymen, after we had broke up his doors and missed him, came and declared they had seen him running a quarter of a mile out of town. I sent a party after him, who found him lurking in a house. He is otherways a great rogue, and frequents field-conventicles, and, they say, takes upon him to *exercise*.

"I am certainly informed there is a resolution taken among the whigs, that *eighteen parishes* shall meet Sunday next[1] in Kilbryde Moor, within four miles of Glasgow. I resolve, though I *do not believe it*, to advertise my Lord Ross, so that with our joint force we may attack them. They say, they are to part no more, but *keep in a body*. I am, my Lord, your Lordship's most humble servant,

"J. GRAHAME."

There was more truth in the reports than Claverhouse dreamt of, otherwise he would sooner have effected a junction with Lord Ross. That precaution might have saved many lives, and himself from the only *tache* upon his military fame. The Argyle Covenant, the charter of the severest oppression under which Scotland had ever groaned, or the Scotch character been degraded, had been publicly burnt, by orders of the Government of the Restoration. James Mitchell the assassin had been dealt with as he deserved. *Therefore*, the Conventiclers, or their ringleaders, maintained, that, by *reciprocity of right*, they were entitled to consign all adverse Acts of Parliament to the flames, *coram populo*, and to murder all Privy Councillors, indeed every official of the Executive, but more especially all *Bishops*, and even the Sovereign himself, if they

[1] On which day Claverhouse was defeated at Drumclog, and narrowly escaped with his life.

Digitized by Google

could reach so far. The 29th of May, the very day on which Claverhouse wrote the dispatch last quoted, was the anniversary of the King's birth-day, and had also been appointed as a day of rejoicing and thanksgiving for the Restoration. The Primate's murderers had separated and fled. But their savage leaders, and a few others also deeply implicated, driven to desperation, not by oppression, but by their own crimes, once more endeavoured to raise the standard of rebellion, and this time with ropes round their necks. The infamous Robert Hamilton, brother to Hamilton of Preston, whom the Covenanters themselves subsequently accused of cowardice, and who came to justify the accusation, by boasting of his own murder of a prisoner in cold blood, was the firebrand most forward upon the present occasion. This ruffian struck the key-note, by moving at one of their meetings, " that *somewhat further* should be done by them as a testimony against the iniquity of the times,"—among which iniquities they were very far from reckoning the recent murder on Magus Moor. The order for rejoicing and thanksgiving on the King's Birth-day, these blasphemers voted to be " intruding upon the Lord's prerogative, giving the glory to the creature that is due to our Lord Redeemer, and setting up an *usurping* power to the destroying the interest of Christ in the land!" All the Acts of Parliament passed since the Restoration, " for overturning the whole *covenanted reformation*," and especially " that *presumptuous* Act, for imposing an holy anniversary day, *as they call it*, to be kept yearly upon the 29th of May, as a day of rejoicing and thanksgiving for the King's birth and restoration," they determined to consign to the flames, in the most public manner, and in the most public place. All this insane treason, was embodied in a document of which, Wodrow informs us, a copy in his possession bears the title—" Double of a paper resolved upon to have been read at the Cross of Glasgow, May 29th 1679." Claverhouse, however, had just marched into the city from Falkirk (Lord Ross being absent), which proved rather a stumbling-block to that design. So *Rutherglen*, a small royal burgh situated about two miles from the capital of the West, became immortalized in Covenanting story, as the place of publication of a treasonable proclamation, which they styled,—" The Declaration and

Digitized by Google

Testimony of some of the *true* Presbyterian party in Scotland, published at Rutherglen, May 29th, 1679." It will suffice here to quote the following clause :—" And, for confirmation of this our testimony, we do this day, being the 29th of May 1679, *publicly at the Cross of Rutherglen*, most *justly burn* the above-mentioned Acts, to evidence our dislike and testimony against the same, as they have *unjustly*, *perfidiously*, and *presumptuously burned our Sacred Covenants.*"

No sooner had Claverhouse's dispatch, of that same day, in which he expresses some scepticism as to any such desperate attempts being on foot, gone to head-quarters, and he with his troop to Glasgow, than he discovered his mistake. Lord Ross returned to his own quarters, on Saturday 31st May, and Claverhouse immediately proceeded to Rutherglen, to enquire into the riot, and apprehend the unruly ; still, however, underrating the magnitude of the crisis. On the following day, which was Sunday the 1st of June, Lord Ross himself, after having sent one of his officers with a dispatch to the Commander-in-chief, descried a party of military approaching the city, which he soon ascertained to be his coadjutor in arms, no longer gaily mounted upon his sorrel charger, and accompanied by a sadly diminished and crest-fallen squadron of troopers. Accordingly, Lord Ross's former dispatch was immediately followed by this one :—

" *For the Earl of Linlithgow,*
Major-General to His Majesty's Forces.

" GLASGOW, *Sunday, 9 o'clock at night.*

" MY LORD :—After Ensign Achmuty was dispatched, I discovered a party marching to Glasgow, whom we made up to, but found it to be Claverhouse, and Captain Inglis, with the broken troops. Claverhouse informed me how it went ; and thereafter we resolved to return to this place, in regard that they found that the country was gathering everywhere to these rogues ; and so concluded that it was fit to acquaint your Lordship with it, that accordingly you might order what we shall do ; for, be assured, if they were ten to one, if you command it, we shall be *through them*, if we can. I know Claverhouse will give a full account of the engagement, and therefore I shall forbear that. My Lord, *if this be not rebellion, I know not what is rebellion.* In the mean time,

Digitized by Google

I shall secure, as well as I can, this place. I have ordered the half of our party to mount guard this night, foot, horse, and dragoons, and have posted them as well as may, and barricaded all the streets about the market-place. This is all can be done by your Lordship's faithful and humble servant,

"ROSSE."

And sure enough, before taking rest that Sunday night, the defeated cavalry officer wrote his own account of the disaster in a very remarkable letter, which, whether or not "spelt like a chambermaid's,"[1] may, for clearness, succinctness, and coolness, be compared to what all know Wellington was most likely to have written under similar circumstances. Without disguise, excuses, passion, or excitement, it contains the fullest admission of a complete discomfiture, administered from a quarter inferring the greatest disgrace,—a disgrace, however, which he shows himself willing to share with every trooper under his command. Having so written, he tumbles yawning into the bed provided for him at Lord Ross's quarters; but, doubtless, with a sorer heart for the gallant men, and the gallant sorrel charger, that were now sleeping in death, than he chose to confess:—

"*For the Earl of Linlithgow.*

"GLASGOW, *June the* 1*st*, 1679.

"MY LORD:—Upon Saturday's night, when my Lord Rosse came into this place, I marched out; and because of the insolency that had been done two nights before at Ruglen, I went thither, and *enquired for the names.*[2] So soon as I got them, I sent out parties to seize on them, and found not only *three of those rogues*, but also an intercom-

[1] Sir Walter Scott's sole comment upon the only letter of Claverhouse he ever noticed! But he had exhausted the subject of the hero, after the romantic fashion of his own creative genius, before he knew that any letter of his was extant.—See before, Vol. I. p. 25

[2] Could an officer, holding such a command, have done less? Now, mark Wodrow's record of this: "The publishing this Declaration, and the *extinguishing the bonfires*, made a *mighty noise*, both at Glasgow and Edinburgh. *The thing* was *magnified*, and the officers of the King's forces at Glasgow were in *a terrible fret*." How "magnified?" Wodrow here conveniently omits the main act of treason, the *burning the Acts of Parliament* publicly at the cross of a royal burgh, and proclaiming to the people that these laws of the land were to be *destroyed* instead of being

Digitized by Google

mured (outlawed) minister called *King*.[1] We had them at Strathaven about six in the morning yesterday; and, resolving to convey them to this, I thought that we might make a little tour, to see if we could fall upon a conventicle; which we did, *little to our advantage*. For, when we came in sight of them, we found them drawn up in battle, upon a most advantageous ground, to which there was no coming but through mosses and lakes. They were not preaching, and had got away all their women and children. They consisted of *four battalions of foot*, and all well armed with fusils and pitchforks, and *three squadrons of horse*.[2] We sent, both, parties to skirmish; they of foot, and we of dragoons: They run for it, and sent down a battalion of foot against them (the dragoons): We sent threescore of dragoons, who made them run again shamefully: But, in the end, (they perceiving that we had the better of them in skirmish), they resolved a general engagement, and immediately advanced with their foot, the horse following: They

obeyed! And all this a few weeks after the murder of a Privy Councillor, the Primate of Scotland!

[1] Mark, again, this falsehood in Wodrow's history: "Claverhouse seized Mr John King, preacher, in Hamilton, or, as *some papers* say, in a house a little south-east from the town, and *about fourteen more countrymen, mostly strangers*, either coming with Mr King, or going to the meeting to-morrow. There was *some pretence* to seize Mr King, being a vagrant preacher, and, *I think*, intercommuned; but there was no law for seizing the rest, they *not being in arms*, or *any thing to be laid to their charge*." Surely we may assume as a fact, that if, on such an occasion, Claverhouse had taken *fourteen prisoners*, besides the outlawed preacher, he would not have reported to head-quarters that he had only taken *three*. Fifteen prisoners would have been rather too many to carry along with him in search of an armed conventicle, considering the small force he commanded! Wodrow's effrontery, however, is equal to any difficulty; and thus he continues his falsehood: "Upon the Sabbath morning, June the 1st, he marched very early from Hamilton to Strathaven town, about five miles south, and *carried his prisoners with him*, which was happy for them. *They were bound two and two of them together, and his men drove them before them like so many sheep*"!—Wodrow's History, vol. iii. p. 69. Captain Creighton, who was in Glasgow, only mentions the prisoner King. George Brysson, the covenanter, only says, "Having taken one of the ministers (King) that should have preached there that day, they dragged him alongst with them to the place where the meeting was convened." Wodrow's story, of fourteen *innocent* prisoners, tied two and two, and driven like sheep, is a malicious falsehood.

[2] Wodrow says, "They *got together* (at Drumclog) about 40 *horse*, and 150 or 200 foot." Hamilton, who commanded at Drumclog, admits, that "We were betwixt 5000 and 6000 *horse and foot* drawn up on the moor besouth Glasgow the Saturday night (June 7th, the sixth day after the affair at Drumclog,) all *as one man*, and of *one mind, to own the Rugland testimony against all its opposers*."—M'Crie's Memoirs of Veitch and others, p. 456. We have seen what sort of thing "the Rugland testimony" was.

Digitized by Google

came through the loch, and the greatest body of all made up against my troop: We kept our fire till they were within ten pace of us: They received our fire, and advanced to shock: The first [*fire?*] they gave us brought down the *Cornet Mr Crafford* (Crawford) and *Captain Bleith* (Blyth): Besides that, with a *pitchfork*, they made such an opening in my *sorrel horse's belly*, that his guts hung out half an ell;[1] and yet he carried me off *a mile;* which so discouraged our men, that they sustained not the shock, but fell into disorder. Their horse took the occasion of this, and pursued us so hotly that we got no time to rally. I saved the standards; but lost on the place about eight or ten men, besides wounded. But the dragoons lost *many more.* They are not come easily off on the other side, for I saw several of them fall before we came to the shock. I made the best retreat the confusion of our people would suffer; and am now laying with my Lord Ross. The town of Strathaven drew up as we was making our retreat, and thought of a pass to cut us off; but we took courage and fell to them, [*and*] made them run, leaving *a dozen* on the place. What these rogues will do, yet I know not; but the country was flocking to them from all hands. This may be counted *the beginning of the rebellion*, in my opinion. I am, my Lord, your Lordship's most humble servant,

"J. Grahame."

"My Lord, I am *so wearied*, and *so sleepy*, that I have written this very confusedly."[2]

It is, when recording, *more suo*, this memorable event, that Wodrow first introduces the name of Claverhouse; and we are now enabled to detect the gross falsehoods wherewith he commences that long series of calumnies against him, by which even the best histories of Scotland have been poisoned:— "Mr Graham of Claverhouse," he says, "whom we shall frequently meet with in this period, afterwards created Viscount of Dundee, was now a captain of one of the newly levied

[1] It will be observed, that Claverhouse mentions no officer of the name of Graham as having fallen; which seems to contradict the story popularised by Sir Walter Scott, who had not seen the above letter when he wrote his account of the skirmish, in his note to the ballad in the Border Minstrelsy.

[2] The original of this interesting and characteristic dispatch is now in possession of the Duke of Buckingham. There is no confusion in it; only Claverhouse forgets to name the *place* of the rencounter, which was Drumclog, near Loudon-hill, about three miles from Strathaven.

Digitized by Google

troops, and *had been*, beyond his companions, *active in oppressing the country*, and bearing down of conventicles." Upon what occasion? What companions had he exceeded in "oppression"? This was his very first command since his return from abroad. At the date of his defeat at Drumclog, it had subsisted for precisely five months; namely, from the commencement of 1679, until the 1st of June in that same year.[1] We have traced, through his own dispatches, his occupations, during these five months. The pen was chiefly in his hand, and not the sword. His very first dispatch discloses him redressing, most actively and earnestly, a wrong done to a poor countryman by one of his troopers. During that brief period, his whole mind is occupied in preserving discipline among his troops, providing for their accommodation and sustenance, arranging his plans for preserving the peace of the country, constantly corresponding with the Government, and occasionally sending forth parties to apprehend notorious rebels and outlaws, of whom *lists were sent to him from head-quarters*, and to dissipate, when he could discover their locality, those armed congregations which, under the cloak of religion, were struggling to renew the rebellion, and dethrone the King.[2] And although his principal duty was to hunt out, and subdue by force of arms such rebellious mobs, it happens that his ill-managed affair at Drumclog (for very ill-managed it appears to have been) was his first and last collision in arms with a congregation of the kind. Nor, as we shall immediately find, did he ever harbour the least malice, or ever evince the slightest irritation, in consequence of the disaster, and, we may add, the disgrace, which happened to him upon that occasion.

[1] A fact of which Wodrow, and all his nameless "informants" in the 18th century, were utterly ignorant; and hence we find Sir Walter Scott speaking of "Graham of Claverhouse's horse," at the battle of Pentland in 1666, at which time Claverhouse was pursuing his studies at St. Andrews College.—See before, p. 53, *note*.

[2] The following piece of cool effrontery on the part of Wodrow is amusing: "The *cloak* of religion is made *the ordinary pretext of rebellion*; which *does not at all hold as to Presbyterians*, how far soever it may be true of *Papists*."—Hist. vol. iii. p. 73. It is more true of the Conventiclers than of any other sect.

Digitized by Google

Our sole historian of the Covenanting epoch, Malcolm Laing (for Wodrow is a *lusus*), affecting Tacitus, as usual, comments succinctly and philosophically upon the treason at Rutherglen, and the discomfiture at Drumclog. Constrained to admit that the laws of the land were there publicly burnt, and rebellion ostentatiously proclaimed at the cross of that royal burgh, he thus pronounces:—"A prudent government might have *dissembled* the insult, or deferred the punishment for *a few days*, till their zeal had subsided, and their conventicle had dispersed." Is it the part of a prudent government to "dissemble" such dangerous "insults" as the proceedings at Rutherglen, or to defer, even for "a few days," energetic measures to stay such demonstrative rebellion? And what chance was there, at that time, of such armed and combative congregations "dispersing," or of their "zeal subsiding," by being *let alone?* And what was it, after all, that the government did upon this trying occasion? Our philosophical historian (philosophising always on the Whig side), proceeds to tell us: "A *violent* government is incapable either of reflection or *delay*. Graham of Claverhouse, afterwards the celebrated Viscount Dundee, was instructed to seize, or, on their resistance, to extirpate the rebels by the sword." Most proper instructions for the occasion, had they then been specially issued; indeed, the usual and necessary instructions to all military commanders under such circumstances. To slay, burn, and destroy all enemies, and their appliances, in arms against the State, is the language of civilised warfare in the nineteenth century. To smite, hip and thigh, is the phraseology of holy writ. But Malcolm Laing really knew nothing of the case, but what he thought he might venture to cull from the poisonous stores of Wodrow. Claverhouse, acting, in the most prompt but temperate manner, upon his *general* instructions and commission, when he heard of that public outrage at Rutherglen, marched thither to "enquire for the names," and to apprehend delinquents. And then, proceeding, as it would seem, with too little caution, he "thought that we might make a little tour, to see if we could fall upon a conventicle." He caught a tartar,—a conventicle fell upon him. We must leave it to the military critic to judge our hero in this unfortunate

Digitized by Google

defeat. But common apprehension cannot avoid a surmise of carelessness and mismanagement; the old mistake, probably, of holding an enemy too cheap. With many warnings, as he himself admits, that a great meeting was about to be attempted in that very quarter, we find him, at the eleventh hour, only contemplating a combination with Lord Ross, which he took no pains to effect. On the contrary, he diminished his own slender forces by leaving one of his best hands, Captain Creighton, with some horse, in Glasgow, while he went blindly beating the bogs for an armed conventicle, at a most alarming crisis, and in very dangerous ground, like a rash sportsman groping in a jungle for a lost tiger. Creighton himself (not being exactly in the confidence of our hero), was so ill informed of the antecedents of Drumclog, as to narrate, (if he be accurately chronicled by Dean Swift), that Claverhouse was specially sent by the Privy Council upon this particular adventure, and with *sealed* instructions, which he only opened, in terms of those instructions, when confronted by the rebels, and then found that he must fight, *nolens volens*. He was, indeed, bound to do battle; for he had written, shortly before, to the Commander-in-chief,—"I have always declared to them (his own men), that if ever we meet, they must either fight in good earnest, or be judged as cowards by a council of war." But he no more opened sealed instructions upon that sudden occasion than he wrote his will. The military critic, perhaps, may discover a reason for his choosing, (after some ineffective skirmishing), steadily to await the charge of those battalions of foot, "well armed with fusils and pitchforks," and marking every officer as they advanced, his motionless and yet unbroken dragoons reserving their fire "till they were within *ten pace* of us;" at which distance, surely, the smoke from the useless carabines must have paralyzed the drawing of a sabre. They could not, indeed, charge into a bog. But might not Claverhouse have so manœuvered as to have at length constrained them to quit a marsh in which they could no more abide than he could ride, unless they had been frogs as well as fanatics? His best defence, perhaps, consists in this. Terrible to the suffering country as were the consequents of that unlooked for defeat, he incurred no censure, and fell into no

Digitized by Google

disfavour with the government; saving, indeed, a growl from old Dalyell; who, sometime afterwards, when becoming very jealous of Claverhouse, points this hit at him, in a letter written to the Lord Justice-Clerk, in 1684:—"Your Lordship knows my opinion was, that the army should have lain in leaguer in the summer time, and to remove, as the service should require, to several stations, and not to have the small forces hazarded in petty parties, *at the discretion of some people who hazards them upon very unequal terms;* and I pray God prevent the danger may follow on it; for the ruffle of an inconsiderable party of the King's troops will raise a formidable rebellion."[1]

Ere we pass on to other proofs and illustrations of the actual career and conduct of Claverhouse, let us pause for a moment to contemplate these victorious Conventiclers. On came the "Suffering Kirk," foaming and ferocious. On came the "Religion and Liberties of our Country." A senseless rabble at the heels of insane agitators.[2] These last are the proper representatives of "the Covenanters." Crowned with victory at Drumclog, they must now go a-head. But such an *Io triumphans!* Their Councils were quarrels; their plan was anarchy; their principles intolerance; and their practice assassination! "Bloody Clavers" having been unhorsed by a pitchfork, (probably the rearing of "my sorrel horse,"[3] was that which saved the rider's uncompassionate bowels) the best similitude we can think of for this "persecuted people," is that of a beggar suddenly set on horseback. "Jesus, and no quarter." "No quarter for the active enemies of the Covenant." Out of their own mouths let them be judged. "*Some*, without Mr Hamilton's (their Drumclog captain) knowledge, and *directly contrary to his express command*, gave

[1] *Queensberry Papers.*—This was proved, indeed, by the results of Drumclog.

[2] Robert Law himself describes them as a "poor multitude, led with divided and dividing pastors."—*Memorials*, p. 150.

[3] Claverhouse does not mention how he was remounted; but old Captain Creighton, in his story to Dean Swift, tells, that "Clavers in his flight towards Hamilton and Glasgow, rode a horse that trailed his guts for two miles,"—Claverhouse says one mile,—"from the place where the engagement happened; but, *overtaking* his groom with some led horses, he mounted one of them, and, with the remains of his small army, escaped to Glasgow."

Digitized by Google

five of these bloody enemies quarter, and let them go. This *greatly grieved* Mr Hamilton, when he saw some of *Babel's brats* spared, after that *the Lord* had delivered them into their hands, that they might dash them against the stones."[1] Accordingly, a debate arising as to sparing a sixth, this disgrace to the illustrious name of Hamilton settled the dispute, as he himself boasts, by putting him to death on the spot with his own hand. Their tumultuous mob-like march upon Glasgow, from which they were signally repulsed by Lord Ross and Claverhouse, their subsequent occupation for a while of that town, owing to the sudden removal of the King's troops, and their immediate ruin and disgrace at Bothwell, are matters of

[1] "Wilson's Relations of the Persecuted Presbyterians in Scotland;" a Cameronian publication of the period, reprinted at Glasgow 1798; quoted by Sir Walter Scott in his notes to Memoirs of Captain Creighton. In a trial of some of the rebels before the Lords Justices, November 10th, 1679, the *Indictment* bears, how "they, at Loudon-hill (Drumclog), engaged with his Majesty's forces under the laird of Claverhouse, Captain of one of his Majesty's troops of horse, and gave for a word to the soldiers, '*No quarter.*'" Wodrow is pleased to say, "*I never heard* of any word given at Drumclog; neither *can I believe* it was that named." What is the value of Wodrow's "I never heard!" Hamilton himself *boasted* of it. We have produced *the banner*. This Robert Hamilton was disowned both by his elder brother, Sir William Hamilton of Preston, and by the Duke of Hamilton. In a letter to Queensberry, 30th November 1683, his Grace pleads for favour to Sir William, speaks of his father's loyalty, and adds:—"And for his brother's unworthiness, I hope that can't be obtruded against him, who has upon all occasions evidenced *his abhorrence of the other's ways.*" This pleading, which his Grace had previously urged to the Duke of York himself, was successful with that maligned Prince; for his Royal Highness, in a letter to Queensberry, 23d November 1683 (shortly prior to the date of Hamilton's to Queensberry), writes,—"Duke Hamilton has prest me, that Sir W. Hamilton of Preston's fine of one hundred pounds, which was laid on him when I was there, might be remitted; which pray let be done."—*Queensberry Papers.* Dr M'Crie, a devoted and skilful white-washer of Scotch fanatics, is pleased to record, in his "Notices of James Ure of Shargarton," that the ruffian Robert Hamilton, "appears to have been *a pious man*, and of *good intentions*, but of narrow views, fierce in his temper," &c. &c. All the broad *Covenanting* views were indeed "*narrow* views," such as the Doctor's own on the subject. It is amusing to see how easily, with Covenanting apologists, *any vice* is made to quadrate with *piety*. In his notes to the battle of Bothwell, Sir Walter Scott says, with great gravity, "It has often been remarked that the Scottish, notwithstanding their national courage, were always unsuccessful when *fighting for their religion*." And by God's mercy were so, he might have added. But the Magus Moor heroes, who were fighting for *the Covenant*, were no more "the Scottish," than a jail delivery is the Nation.

Digitized by Google

trite history. We may quote, however, from a news-pamphlet of the day, published immediately after the event, the following particulars, which Wodrow, of course, recklessly denies, although more to be credited than his fables of the cruelties of Claverhouse, concocted in the century following, for the use of rampant Kirk-Sessions and Presbyteries in the hey-day of their ridiculous hopes of the revival of the Argyle Covenant under the Orange regime:—"At their first entrance (into Glasgow), John Balfour of Kinloch, who is instituted by the rebels as Major, holding up his hand, and with an impudent face, proclaimed, 'This is the hand that murdered Sharpe,'—meaning his Grace the Lord Bishop of St. Andrews, whom he had barbarously massacred: And likewise Haxton (of Rathillet), and some others of the rebels, made proclamations that they fought against Supremacy and Prelacy; after which they proceeded to farther villanies. First, they robbed the Archbishop of Glasgow's house, tore down his tapestry hangings, broke open his chests and trunks, and set his cellar afloat with beer and wine, after some of the principal had drank their fills; and, in fine, made a miserable spoil of all his goods, nothing being saved but a small parcel of books, the which his servants had conveyed to some neighbours' houses. His Lordship, as Heaven doubtless had ordained, was absent; or else, unquestioned, he had been murdered by their cruel hands. After this they proceeded to the great Cathedral, and pulled down all the ornaments, defacing several monuments of note, and exporting the Communion vestments, the plate having been timely conveyed away. The next barbarous exploit in that city, by those inhuman rebels, was, they plundered the Bishop of Argyle's house, and after a miserable havoc there, they went to his chapel, and there, *digging from their silent graves two of his Lordship's children that had been lately interred, took up the coffins, broke them open, and run their swords through them several times, and left the bodies of the poor infants above ground*, as monuments of their inhuman villany and cruelty."[1]

[1] "The Full and True Account of all the Proceedings in Scotland since the Rebellion began," &c. "London, printed 1679;" immediately after the battle of

Digitized by Google

SECTION V.—*Claverhouse's Second Campaign against the Conventiclers, how it came about, and how it ended.*

The battle of Bothwell Bridge settled the attempt of the Solemn League and Covenant to supersede *Magna Carta*. Down again into its rank grass, and reeking bogs, sank the crest of the Argyle snake, the Magus-Moor dragon, hissing hideously through all its organs,—its "Faithful Contendings," its "Napthali," its "Hind let Loose," its "Cloud of Witnesses," its gallows "Testimonies."[1] Now came the sickening ground-swell of judicial examples, and government compensations. "It would be *endless*," says Wodrow,—using that most convenient form of expression with which he invariably enhances his unvouched and calumnious traditions,—"it would be endless, almost, to enter upon the ravages and spuilzies committed by the King's forces upon the adjacent places, immediately after the engagement at Bothwell." It would have

Bothwell Bridge, which concludes the narrative. Another pamphlet, entitled, "Address to the Freemen and Freeholders of the Nation," also printed in London, so soon after the events as 1682, gives it thus: "They behaved themselves barbarously in the house of the Archbishop of Glasgow, where they burnt his books, cut in pieces his best hangings and furniture, and almost killed a gentlewoman with blows, who was left to keep the house, only for saying these words, 'Gentlemen, I hope you'll remember you are in the Archbishop's house.' They sacrilegiously entered the Cathedral of Glasgow, and finding a tombstone over the two children of the Bishop of Argyle, with an inscription of a modern date, they digged up their bodies, run them through with their swords, and left them lying upon the ground." This horrible fact was embodied in the Indictment raised against some of the rebels in the High Court of Justiciary, 10th November 1679; viz. "And assaulted his Majesty's burgh of Glasgow; and having entered the same, did open the prison doors, and *throw out of the graves the dead bodies of such children as belonged to the orthodox clergy*."—*Justiciary Records*.

[1] The stereotyped *testifyings* in the Grassmarket, which form the staple of that literary emetic, the "Cloud of Witnesses," were not so highly estimated by Mr Robert Law, who says (1681),—"It's reported that severals of the speeches of the late dying persons on scaffolds at Edinburgh have been *penned by Papists*, and put out in their names to make the Protestant religon *odious unto the world*; and that they have a great hand in stirring up the men, and *women*, to these *fopperies and follies*, that thereby our religion may be contemned."—*Memorials*, p. 85. Doubtless, they were concocted, or prompted, by the Conventicle divines; who nevertheless entertained a holy horror of the gallows *for themselves*; and the few who suffered proved very cowardly martyrs.

Digitized by Google

been a most remarkable exception from the usual course of events, had that rebellious neighbourhood not suffered severely under the circumstances. But the unavoidable confusion, and excesses of civil war, after a vital conflict, Wodrow vaguely mixes up with every legitimate and necessary act of retribution, by the national government, in order to compose his grand conglomeration of grievances, and dress up that frightful Guy of his, the "Suffering Kirk." If armed rebels were slain in the fight, and the flight, they were cruelly massacred.[1] If a rebel was executed, after judicial trial, an innocent being was cruelly murdered. If he was mercifully dealt with, and sent to the plantations, the good were cruelly expatriated, and the happiest and holiest homesteads of Scotland depopulated, and made desolate. If a rebel was merely fined, and sworn to keep the peace of the King, he was shamefully robbed, and his conscience violated by the imposition of an illegal and impious oath. If the cattle, and other moveable goods of rebels and outlaws, were seized, to punish delinquents, and pay the expenses of the insurrection, the country was mercilessly ravaged, and the "people of God" iniquitously ruined by the emissaries of Satan. To carry off a rebel's horse was a dreadful *spulzie*. But then Wodrow does not admit that there were any rebels. He pathetically records, for the execration of all ages, the rape of a horse worth ten pounds! It suits him, however, to be silent as to how the murderous

[1] Malcolm Laing's perversion of the history of these sad troubles, is no less outrageous than that of his prompter, Wodrow. He says that, in consequence of the "assassination of a Prelate and Privy Councillor, the government was *inspired with the most frantic revenge!*" And what, is his instance, to prove this? "Field and *armed* Conventicles were declared to be treason!" Were there not the strongest reasons of State for doing so! What follows is still more discreditable to this pretentious and over-rated historian: "The *people who attended* were *indirectly* ordered to be *put to the sword*." (Hist. iv. 36.) Mark the cunning of the saving word "indirectly." No order of the kind was ever issued. No person was ever put to death simply for attending a Conventicle. But government, finding it indispensible for the standing of the throne itself, that these *armed* Conventions, "rendezvouses of rebellion," (as they were proved over and over again to be), should be prevented from combining into an army, and dispersed by force, the instructions to those commanding the military, were, in common form, that if these armed rebels defended themselves with the sword, they should be opposed by the sword, and pursued and slain accordingly.

Digitized by Google

agitators, who were the cause of all these "dreadful ravages and spulzies," came by *their* cavalry. What says the Kirk's contemporary chronicler, Mas Robert Law, of the victors of Drumclog, and the defeated at Bothwell? "These people," *i. e.*, Wodrow's people of God, "while they were a-gathering, ranged through all the country and cities they could come at, and took all the arms, guns, and swords they could, and *best horse*, without any recompense."[1]

But his imposing back-ground of general exaggeration, perversion, and calumny, is nothing to the particular falsehoods with which Wodrow fills up his bedaubed and crowded canvass. "The officers of the army who had been at Glasgow," he declares, as usual, without an attempt at proof,—"Major White, Claverhouse, and others of their *cruel temper*, solicited the General to ruin the west country, and burn Glasgow, Hamilton, and Strathaven, to *kill the prisoners*, at least *considerable numbers* of them;" which fiendish and insane proposal he says Monmouth "rejected with detestation." The historian Laing shirks the absurdity about burning Glasgow, and the other towns, but rather improves upon the falsehood as to the prisoners. "A body of *twelve hundred*," he says, "surrendered at discretion, and were preserved from massacre by the *humanity of Monmouth*; rejecting the *advice of his officers* to ravage the country, he dismissed the militia," &c. And such vague and calumnious nonsense passes for truth, and is called history! Who were these *officers* that would have massacred twelve hundred surrendered prisoners in cold blood, and laid the whole of the west, including its most important towns, in ashes, after the miserable rout at Bothwell? The young popularity-hunting Monmouth, whose equivocal favour in the eyes of such rebels eventually led him to the scaffold, deserves all credit for humanity, as well as gallantry, in the conduct of his short and decisive campaign. But there was not an officer in that royal host, whose voice could have reached his ear, that had to learn a victor's humanity, or a single attribute of the chivalrous character, from the Duke of Monmouth. He was surrounded by the *elite* of the Scottish

[1] Law's Memorials, p. 151.

Digitized by Google

nobility, of every rank of the peerage; hearts beating with the most generous blood of Scotland,—Montrose, Mar, Airlie, Home, Dalhousie, Linlithgow, Balcarres, and many others,—to whom the proposition to massacre twelve hundred prisoners in cold blood would have been an insult and a horror, and a crime itself worthy of death. And as for Lord Ross and Claverhouse, who had borne the first brunt of the rebel mob, their defence from so foul an imputation may be safely left to rest upon the evidence of their characters as soldiers and gentlemen, displayed in those dispatches which we have already laid before our readers. It was an odd mistake in Sir Walter Scott to say, that "the Duke commanded the foot, and Claverhouse the cavalry," at the battle of Bothwell.[1] Even his independent command had terminated. He was simply Captain Graham, commanding his own troop of horse. And when the routed rebels fled into Hamilton wood, it was not Claverhouse, but Colonel James Douglas, the brother of Queensberry, who was ordered to pursue and dislodge them. The contemporary accounts never mention Claverhouse, except in recording his previous defeat at Drumclog. Doubtless he was forward in charging the rogues who had charged him there. But in the conduct of the battle, he had no responsibility beyond his troop, and obeying orders; and in the council of war he was so far from being a leader, that it may be doubted if he was consulted. His family chief, and patron, the young Marquis of Montrose, was there, in command of the royal horse-guards. The Earls of Home and Airlie each commanded their respective troops. Amid the crowd of nobles who reaped those worthless laurels at Bothwell, the Laird of Claverhouse could neither have been prominent in council, nor domineering in the field. And as for his urging upon Monmouth the

[1] Historical account attached to the ballad of the battle of Bothwell, in the Border Minstrelsy. As for the ballad itself, a more wretched production as lyric poetry, or greater nonsense as history, never issued from the crumpled folds of a Covenanting mutch. It figures Monmouth in the field scolding and bullying Claverhouse as a "cursed rebel," for his excessive spite and cruelty in riding down the enemy; to which Claverhouse replies by pulling off his hat, and saying, "God bless his Majesty;" and then rushes incontinent to London to demand "Monmouth's head frae his body," carrying with him a staff of "fause witnesses," by means of whom he immediately effects his ambitious and truculent object.

Digitized by Google

brutal inhumanities, and insane policy laid to his charge by Wodrow, we may consign that falsehood also to the limbo of the "Christian Carrier."

The task is irksome, indeed, and nauseous in the extreme, to track this chronicler, step by step, through all his calumnious paths, and to note every footmark he has left in the mud of Covenanting martyrdoms. From thus maligning Claverhouse in the field, Wodrow proceeds to libel him yet more atrociously in reference to the fulfilment of his professional duties, under a very arduous and disagreeable commission which the Privy Council of Scotland imposed upon him immediately after the event at Bothwell. That no settlement of the distracted country, no peace and safety for the lieges, and no security for the Throne, could be accomplished without the strictest inquisition into the origin of this anarchy, and the sternest measures adopted against the ringleaders, and most responsible parties in the rebellion, must have been manifest to any government, however mercifully disposed, under all the circumstances. Every practicable indulgence, and means of indemnity, were to be afforded to the deluded, ignorant, and suffering mobs, and even to the non-conforming preachers, if they would consent to bind themselves to preach the peace of the Gospel, instead of inflaming the passions of the vulgar to treason, rebellion, assassinations, and midnight murders. But the *disjecta membra* of such a rebel host as had at length contrived to congregate at Bothwell, were on no account to be suffered either to reunite into another army, or to overrun the whole west and south of Scotland, with their tumultuous and exasperated remnants. Accordingly, one of the immediate steps taken for the restoration of peace and good order, was to commission Captain Graham, and some other active officers, to perambulate the rebel shires, to seize horses and arms, to disperse field conventicles, to hunt out notorious delinquents, to impose and collect fines, and also the moveable goods of rebels and fugitives from justice. Here was a field affording ample space for Wodrow's system of monstrous calumny. He at once singles out and fastens upon Claverhouse. "A great many parties of soldiers," he says, "were dispersed through all quarters of the west and south; but I shall almost confine

Digitized by Google

myself here to the severities *committed by Claverhouse*, and the forces under his command, in the circuit, shall I call it, which he made a very little after the engagement at Bothwell. In a few days after this defeat, I find him, and the soldiers under his command, *harassing* the shire of Ayr; from that he goes to Galloway; and from thence to Nithsdale and Dumfries. As they perambulate those places, it was their care to inform themselves in every parish who had been at Bothwell, in which the Episcopal incumbents were very useful to them.[1] And, considering that the spoil went to their own pockets, and was *never accounted for*, we may safely suppose they were well enough disposed to receive informations, diligent to have them, and not over nice in taking them." All this petty calumny is harmless enough, being so transparent that the just reason of such proceedings shines through every sentence. Nor would it have been worthy of notice, but for that calumny of Claverhouse not accounting for the fines and moveables of rebels and outlaws which he was commissioned to collect on the part of government. Hence the attributes assigned to him by Lord Macaulay, of "*rapacious* and profane." We may dispose of it, therefore, in the first instance, by an illustration derived from the Queensberry Papers.

Amongst other delinquents of considerable means and estate, Patrick Macdowall of Freugh, a great proprietor in the Rhinns of Galloway, had listened to the voice of the muirland charmers, or to that of his own political speculations, had staked his all upon Covenanting fanaticism, lost the game, fled from justice, and tint his lands. He was proved to have been very conspicuous in command of a large body of armed rebels, thereby causing his exception from the general act of indemnity which so soon and so mercifully followed the frantic attempt at Bothwell, to set the Covenant above the Crown. And so this fugitive laird was outlawed, the doom of treason

[1] Of course. The life of no Episcopal incumbent, which means the established clergy, was worth a night's purchase, while the broken troops of Robert Hamilton, and Hackston of Rathillet, and the disciples of such preachers as Welsh, King, Kid, Cargill, and Cameron, were haunting in these parishes, and watching their opportunity to break out again. How did the British government, within these few years, deal with sedition and rebellion in Ireland, under circumstances far less dangerous to the State?

Digitized by Google

pronounced against him, and the loyal activity of Claverhouse in that district was rewarded by his being made donator of the Crown in that forfeited estate. This transference of the barony of Freugh, by a royal grant, bestowed "in consideration of the good and faithful services of John Graham of Claverhouse, and his predecessors, for his Majesty, and other services done and performed by him, which are well known to the said Estates, and of his good affection to his Majesty's interest, whereof his Majesty has had more than ordinary experience," bears date, April 21, 1680. But the ratification and enjoyment of this high-sounding reward was not to be easily obtained. Competing interests and local jealousies cast obstacles in the way; and the Exchequer in Scotland took it upon them to stay the gift of the Sovereign. With his usual straightforward determination, Claverhouse obtained a personal interview with King Charles in London, in order to assert his claims as donator of the Crown; but more especially to clear himself from the imputation of having failed to account for the fines and moveables uplifted by him, under his commission from the Privy Council. The result will be best seen from the following royal orders issued in consequence to the Lords Commissioners of the Treasury in Scotland, of whom Lauderdale himself was the chief:—

"CHARLES R.

"Right trusty," &c. Whereas by two letters unto you of the date of these presents, we have thought fit, upon the considerations therein mentioned, to order that two signatures of forfeitures, formerly signed by us in favour of John Graham of Claverhouse, and of Lieutenant-Colonel Main,[1] and those concerned with him in his signature, may pass our Exchequer and great seals there, upon their giving good and sufficient security to you (not exceeding the value of the real rent of [*blank*] years of the respective forfeitures granted unto them), for payment of such a proportional share of the sum of fourteen thousand three hundred and twenty-five pounds *Sterling*, which was expended out of our Treasury there towards the suppression of the rebellion in June 1679, as we shall hereafter think fit to appoint: And whereas, upon the 21st

[1] Colonel Main was in command of some English troops, and associated with Claverhouse in these military movements.

Digitized by Google

of April last past we were pleased to sign a signature in favour of Colonel James Douglas, brother-german to our right trusty and right well-beloved cousin and councillor, William Earl of Queensberry, to whom we are now graciously pleased to grant the like favour,—It is therefore our will, and we do hereby authorise and require you likewise to *remove the stop* that was formerly put upon the said Colonel James Douglas his said grant, to the end the same may, without any let or hindrance, pass our Exchequer and great seal, and he may be legally possessed of the forfeited estates mentioned in the said signature, according to the true intent and meaning thereof; providing always, that, before such passing of the same, he (or some other person for him, in regard of his being now beyond sea), give good and sufficient security to you for payment of his share of fourteen thousand three hundred and twenty-five pounds Sterling, in manner already mentioned, notwithstanding of any former orders or instructions given by us to the contrary: For doing of all this, these presents shall be to you, and all others that may be concerned, a sufficient warrant. Given at our Court of Whitehall, the 3d day of Februacy 1681, and of our reign the 33d year.

"By his Majesty's command,

"MORRAY."

That the Exchequer had not immediately obeyed this royal order, appears from the following, also addressed to the Lords Commissioners of the Treasury, of a subsequent date:—

"CHARLES R.

"Right trusty," &c. "Having seen and fully considered what, in your letter of the 17th instant to the Earl of Moray, our Secretary, you have desired him to communicate with us, concerning the contents of our letters to you of the 3d instant, in reference to the forfeitures of the persons therein mentioned, which were granted by us to John Graham of Claverhouse, as also to Lieutenant-Colonel Main, and other persons concerned with him, we have now thought fit to let you know, that what we did signify to you in our said letters was upon mature deliberation, judging it reasonable that our said *donators* be authorised to enter into the possession of the said forfeitures in manner therein mentioned; and we are the more confirmed in this opinion, that in your said letter you say all the forfeitures will be declared before the end of the next summer session; if so, the delay of their payment of their shares of the charge we have been at, towards the suppression

Digitized by Google

of the late rebellion, for so short a time is not considerable: And therefore it is our express pleasure that you *remove the stop* that was put upon the gifts of the said forfeitures, granted by us in favour of the persons already mentioned, and that you cause the same to be passed in our Exchequer at their very next meeting after your receipt of this letter:

"As to what you have represented concerning *Claverhouse*, particularly in reference to the commission granted by you unto him for uplifting and sequestrating not only the rents, duties, and moveables belonging to *Freugh*, but of all other rebels in Wigtonshire who have been in that rebellion,[1] *whereof you say he hath made no account as yet*, we have *spoke to him about it*, and he doth positively assert, that, while he was in Scotland, *he received not one farthing upon that account*; and that if anything have since been recovered by those whom in his absence he hath intrusted with the execution of that commission, he believes it to be so inconsiderable as it will not much exceed the charges that must necessarily be laid out in that affair. However, we do expect that he will meet with no worse usage from you, upon that occasion, than others to whom you have granted the like commissions.

"As to what you write in your said letter concerning *Colonel James Douglas*, we are so fully convinced of his loyalty to us, and so well satisfied in particular with his good services at the defeating of the rebels, as we were pleased at the signing of the two letters in favour of the persons already mentioned, to sign also another in his favour, which we do now again require you to make effectual unto him, to the end his signature may also, without any delay, pass our Exchequer and great seal with the other two: For doing all which this shall be your warrant. Given at our Court of Whitehall, the 26th day of February 1681, and our reign the 33d year.

"By his Majesty's command.

"MORRAY."[2]

[1] It appears, however, that prior to the 15th of April 1680, the Privy Council of Scotland had withdrawn this commission from Claverhouse, which, it would seem, had clashed in some way with the interests or objects of the jealous Queensberry. For, of that date, Lauderdale's brother, Hatton, who, as Treasurer-Depute, was Chancellor of the Exchequer, thus writes to the potent lord of Drumlanrig,—"Clavers' commission, as to rebels' goods, is recalled by the Council. *So, your mas* will have room for his payment; *that ye need not fear*." See before, vol. I. p. 309, Hatton's Letter to Queensberry. The date of it is embraced in the missing volume of the *Acta* of the Privy Council, the loss of which, as already mentioned, creates a *hiatus* in that register, extending from August 1678 to August 1682.

[2] Queensberry Papers

Digitized by Google

But the accusation of having failed to account for public revenue is of little moment compared with the cruelties to be discovered, "if," says Wodrow, "we follow Claverhouse into Galloway." Here are the terrible accusations; and the *whole proof* which Wodrow vouchsafes to those whom he asks to believe them, is the assertion of "instances in my hands." "In one house, one of the ruffian soldiers (under Claverhouse), *forced the woman before her husband's eyes*, and then spoiled the house," &c. "In the parish of Glencairn, the soldiers under Claverhouse made terrible havoc. Besides the *ordinary practices* in other places whithersoever they came, the seizing horses, pillaging houses, and the like, *two passages of their barbarity I have well vouched* cannot well be passed. They apprehended *a poor harmless youth at his work*, and pressed him to declare who of his neighbours *were said* to be at Bothwell. The young man either could not, or would not inform them; and when he had stood out their threatenings, they came to *put him to the torture*. Boots and thumbikins were *not at hand*, and the way they fell on was this. A small cord was tied about his head, and both ends of it were wreathed about the butt of one of their pistols;[1] then they twisted it about the upper part of his head with the pistol so hard, that the flesh was cut round into the skull. The pain was inexpressible, and *his cries were heard at a great distance*. They catched *a young herd-boy* in the same parish, and would have him to discover where his master was, whom they alleged to have been at Bothwell. The boy, *very probably*, could tell them nothing about his master. However, they took him, and fastened two small cords to his thumbs, and by these hung him up to the balk (roof) of the house. The torment he endured was very great, yet they got nothing out of him. But the other youth, last spoken of, *died within a little after he came out of their hands*. A *vast number more* of their cruelties might *easily*[2] be added, in Ayrshire, Galloway, Dumfries, and Nithsdale;

[1] The same pistol, doubtless, with which Claverhouse shot Wodrow's "Christian Carrier."

[2] Easily enough, upon the Wodrow plan. It was very moderate and forbearing, in that great Christian chronicler, to confine himself to the few instances in the text.

Digitized by Google

but I have only *selected* one or two of the *different kinds* of their severities, from *a good many instances in my hands.*"

Let not the reader suppose, that even in the rebellious districts of the west and south of Scotland, lawless oppression, and atrocious murders could, under the pretence of martial law, have been perpetrated with impunity. A general massacre of the innocents, by "Claverhouse, and the forces under his command," was just as likely to have occurred, and without reproof or remonstrance, as these diabolical acts, committed upon the persons of a poor woman, and of those two "poor harmless youths,"—all *nameless*, be it observed,—which this low-minded Scotch dominie has fastened upon the character of a man whom Sir Walter Scott justly pronounced to be "every inch a soldier and a gentleman." The tribunal of the Privy Council was open to every equitable complaint. Many a page of their recorded proceedings proves the fact. Members of that Council were dominant nobles in the several shires through which we are thus told Claverhouse ranged, and raged, and acted at will like a demon, although under the orders of the Privy Council! That rising cavalry officer was watched with a jealous eye by many rivals. His combined military and judicial commission excited discontent and envy in the most powerful quarters. His proceedings under it were actually challenged and impugned on false grounds. His chief impugner, Sir John Dalrymple, the most malignant and unscrupulous of accusers, whom for not having hanged, Lord Macaulay condemns his own hero King William,—was most deliberately heard by the Council, and fined and imprisoned for his factious falsity. Yet not a single accusation of *cruelty* did even he prefer against Claverhouse. Sir James Dalrymple, the ultra Presbyterian President, *compliments* Claverhouse for his conduct and demeanour under that very commission, and only regrets that he and his troopers had not visited the Stair dominions a little sooner, so as to have kept "the hill preachers" from seducing the people of that district. The watchful Fountainhall, from one end of his voluminous diaries to the other, never in a single instance couples the

[1] Wodrow's Hist. vol. iii. p. 122.

Digitized by Google

name of Claverhouse with cruelty. Had he been guilty of one tithe of the lawless atrocities imputed to him by Wodrow, he would have lost his troop, and have never risen high enough to have been maligned by senseless and truthless fanatics. Shortly after the Bothwell insurrection, Duke Hamilton presented a complaint to the Privy Council, "against one Fergusson for *oppression;* for, he being employed to seize those who were living within the Duke's regality, and had been at Bothwell Bridge, he seized on sundry who were most innocent: The defence was, he offered to prove he apprehended none but such as were guilty." This defence the Privy Council allowed him to prove. But, says Fountainhall,—"7th October 1680, Fergusson, whom Duke Hamilton complained of, was found, after probation, in the wrong, *and so was imprisoned.*" And was there none to complain that Captain Graham of Claverhouse, no less responsible to the Privy Council,—whose presence alone could legalize the use of *torture*, —a power they never dared to delegate to individuals,—had hung up by their thumbs, to the rafters of their dwellings, young and harmless herd-boys, and screwed cords into their brains until they died, "boots and thumbikins not being at hand"? And is all this to be believed against an accomplished and high-minded gentleman, head of a distinguished branch of the loyal and lofty house of Graham, every feature of whose countenance, as handed down to us, indicates the elevation of his pride, and the refinement of his passions; the haughty cavalier; the strict disciplinarian; the good centurion, who caused justice to be done against one of his own troopers for shooting a poor man's horse; the humane captor, anxious to save a suffering prisoner from the irritation of travel,—is all that scoundrelism of history we have been quoting, to be believed against a man like this, upon the sole and unsupported authority of such an idiot as Wodrow?

The next series of Claverhouse's dispatches and private correspondence which we are about to lay before our readers, will be found yet more corroborative of all these views of his real character and conduct, and of the falsity of his maligners. At the commencement of the year 1682, he was again commissioned to subdue the turbulence of the west and south of

Digitized by Google

Scotland, and to frustrate, by his energy and activity, the constant object of the vagrant conventicle leaders (whom many deemed Jesuits in disguise), which was to effect a grand combination of their inflamed disciples, and to attain a success in arms for the Covenant of sufficient magnitude to induce the Dutch to co-operate more actively, and to bestow the sinews of war (as had long been promised) upon that hitherto "suffering army of God," which bore the sacred banner of "Jesus, and no quarter." The lesson taught at Bothwell Bridge might have laid the storm of fanaticism. Combined as it immediately was with a renewed indulgence to nonconformists, and a general indemnity, it might have satisfied the fanatical mob that law and order was the best policy, and that nothing was to be gained by abusing the Sovereign, threatening the throne, flying in the face of the laws, assassinating Bishops and Privy Councillors, and murdering clergymen and poor soldiers at midnight. But unfortunately, although the original great conventicle agitator, John Welsh, died about this time,[1] having managed matters so well for himself as not to testify on a scaffold, a few even worse than he yet survived unhanged. The chief of these, Richard Cameron and Donald Cargill, alone sufficed to keep life in the conventicle system; to inflame the ignorant, to glorify the criminal, and to sustain the hopes and promote the machinations of the ever-busy crew of outlawed fugitives in Holland. Those fantastical ranters, Kid and King, were indeed hanged for their share of Bothwell Bridge, on the 14th August 1679,[2] the same day that the royal indemnity was proclaimed in favour of their misguided victims. It might have opened the eyes of the vulgar, that both of these Grassmarket martyrs tried to shuffle their heads out of a crown they only glorified for others, by disclaiming the covenanting and conventicle principles, and most lustily crying *peccavi*. "They

[1] Welsh died in London at the commencement of the year 1681. Fountainhall says,—"He had been the occasion of *seducing* many people away from the orderly government of the Church; he was both in the insurrections of Pentland lands, and Bothwell Bridge, but was not *so gross* as wholely to disown the King, with Cameron in the proclamation at Sanquhar in June last (1680), or to *excommunicate* him, with Cargill in September last, though he was a great enemy to the Bishops."—*Historical Observes*, p. 23.

[2] See before, vol. i. p. 289.

Digitized by Google

died," says their eulogist Wodrow, "in full peace, serenity, and joy." The martyrologist kept a store of such expressions for *the nonce*. But alas, if we are to credit Fountainhall, who was no favourer of Government, the crown of one of these serene and joyful martyrs burnt blue with brandy. "They had mourners with them on the scaffold, which is not allowed for traitors, unless a special licence be granted by the Privy Council; but here it was *not taken notice of*. Many thought Kid more composed than Mr King; and some adventured to say, that Mr King, for infusing courage into him, had drunk more than was fit for him to do; which,"—adds the Whig jurisconsult, as if no way doubting the fact,—"is a *most dangerous practice;* see Mr Trap's Commentary on the 31st of the Proverbs,—'Give strong drink to him that is ready to perish,'—who tells us, that *Vitellius* made himself drunk to drown the fear of death."[1]. Living under Dutch patronage, it was consistent to die under Dutch courage,—an epitome of the life and death of not a few of these "Scots Worthies."

Ere long, those brandy-saints, Richard Cameron and Donald Cargill, followed in the path of covenanting glory. Claverhouse, although vaguely loaded with the odium of every sacrifice of the kind, can claim no merit in their capture and death. His lieutenant, and co-Sheriff, Andrew Bruce of Earlshall, had been sent to achieve that adventure, in which he was more successful than Captain Graham at Drumclog. The tragical fate of Messrs Cameron and Cargill we have already given, from the graphic pen of Mr Sharpe.[2] Their insane plot, and violent proceedings, once more alarmed the government, and

[1] Fountainhall's Historical Notices, vol. i. p. 229. He had probably witnessed the execution. The same fashion of "testifying" through alcohol was asserted of some of the "Cloud of Witnesses" who suffered after the insurrection of Pentland. The conventicle preachers were probably their bottle-holders. The Drumclog hero, Robert Hamilton himself, in his Epistle to the Societies, December 7, 1685, gives an account of the habits of the conventicle saints by no means inconsistent with Fountainhall's account: "And when at any time they came out to the country, whatever *other things* they had, they were careful, *each of them*, to have a *large flask of brandy* with them; which was very heavy to some, particularly to *Mr Cameron*, *Mr Cargill*, and *Henry Hall:* I shall name no more."—*Faithful Contendings*, p. 198; quoted by Mr Charles K. Sharpe, in his print of Russell's account of the murder of Archbishop Sharp, at the end of Kirkton's History, p. 429.

[2] See before, vol. i. p. 300.

Digitized by Google

greatly inflamed it against these incorrigible conventicles, "as the rendezvouses of rebellion," and schools of blasphemy and assassination. The first note of renewed alarm and excitement is thus shortly recorded by Fountainhall; and it will be observed that Claverhouse is not named. "June 4, 1680:—A Council was called extraordinary, upon the news of the riot committed by some *women* at Queensferry, who rescued from some of the King's forces one of the ministers who preach at the field conventicles, called Mr Donald Cargill, and Henry Hall, a feuar in Teviotdale, who was wounded and taken. Only their papers were seized on, and a *new Covenant*, which was printed. The Council sent General Dalyell with a party to make all the strict enquiry he could, to apprehend Cargill the minister, and to take them prisoners who had defended him." Our historian Laing has it,—"When proscribed and driven from their abodes by government, they were pursued by the military like *beasts of prey*." Few were so pursued compared with the many who deserved it. They were only so pursued in the same sense that the regal government, and humane justice, of our own times would pursue a rebel *assassin* as a vicious rat, and a *murdering* fanatic as a mad dog. And our whig historian actually applies this inflation of his political bigotry to the case of Cameron and Cargill! "But a party," he says, "now appeared among *the Presbyterians*, prepared to renounce their allegiance to the Crown. The *origin* of this *new sect* must be ascribed to the rigours of government; its *extravagance* to the sufferings which the intercommuned had endured." Doubtless it must be so ascribed by any historian of this stamp, seeing that the whole case for the covenanting conventiclers depends upon a betrayal of history, and abnegation of common sense. When were the Covenanters, when were their children the Conventiclers, *not* "prepared to renounce their allegiance to the Crown"? Cameron and Cargill a new sect? They were new ruffians. But as a sect they were as old as the Solemn League and Covenant, and that was as old as Cain. Were the heroes of Pentland, marching hither and thither in quest of towns and forts to barter with the inflated frogs that promised them arms, ammunition, and money not prepared to renounce their allegiance in 1666?

Digitized by Google

It was in the month of April 1680, that Charles Maitland of Hatton, Lauderdale's brother, wrote to Queensberry,—"Last week I gave His Royal Highness, and the Duke of Lauderdale, account of the growing disorders here, as I did to the Chancellor. If this be not timely prevented, see that we have not, ere long, another *Bridge*,—I know not if Bothwell Bridge. There is something proposed of small garrisons, five or six. I refer you to the Chancellor for this. This may do something to prevent; but the *law* must go with the *sword*, or it will not. Neither will govern alone. I am not for *arbitrary government*. I am against it. But I say this, as the only way to prevent the *Phanaticks'* arbitrary government,—from which, *Good Lord deliver you and me*."[1] This alarm was speedily justified. The rescue of Cargill by the viragos at Queensferry, when the "New Covenant" was taken from the pocket of his companion Hall of Haughhead, who lost his life in the struggle, occurred on the 3d of June 1680. That precious document, which was published by the government, points directly to the murderous anarchy these scoundrels contemplated, in the words,—"We shall endeavour to our utmost the *extirpation* of the Kingdom of Darkness, and whatsoever is contrary to the Kingdom of Christ;" and also, "the *overthrow of that power* that hath established that Prelacy and Erastianism over the Church, and exercises such a lustful and arbitrary tyranny over the subjects." And besides all this "extirpation," they bound themselves to "*execute righteous judgment*, impartially, according to the *word of God*, and *degree of wickedness*, upon the committers of these things."[2] And after this general enumeration of their principles and intentions, there follows a torrent of calumnious abuse, poured forth against the Sovereign and his government, "which all men," they say, "ought as earnestly to labour to be free of, as of sword, famine, or pestilence raging amongst us." Immediately after the Queensferry scuffle, in which Cargill was rescued, Hall killed, and this document

[1] See before, the whole letter, vol. i. p. 309.

[2] Alexander Shields, in his "Hind let Loose," uses the very expressions in reference to the most savage and cowardly of murders: "Several *worthy gentlemen*, with some other men of courage and zeal for the cause of God, *executed righteous judgment* upon him (the Primate) in Magus Muir."—See before, vol. i. p. 62.

Digitized by Google

seized, Richard Cameron and his brother, with a rabble of fanatics at their heels, "did, upon the 22d of June, enter within the burgh of Sanquhar, with drawn swords and pistols in their hands, and after a solemn procession through the town, did draw up at the cross, and published and affixed upon the cross, and other public places thereof, a most treasonable and unparalleled paper, *disowning us to be their King*, and *defaming us* with the very same names and designations used by the usurpers in their greatest rage, after they had murdered the King, our royal and blessed father, of eternal memory, and overturned all the fundamental laws and rights belonging to us and our subjects, whose principles and footsteps they exactly renew and follow."[1] The next scene in this conventicle drama was at Airs-moss, where Earlshall, at the head of Cla-

[1] Royal Proclamation, 30th June 1680. A sort of "Revival" of this Sanquhar high treason has actually come off on the spot, in this present year 1860! A pamphlet has recently been published, entitled,—"Great Demonstration at Sanquhar, on twenty-second July 1860; *in commemoration of the Declaration published at the Cross, by Richard Cameron*, on the twenty-second June 1680." The first sentence of this pamphlet (which contains a very full record of all the proceedings, and platform speeches), lets us into the secret (innocently enough), of the origin of the affair, and saves Scotland from the imputation of its being *national*. "Last year," it says, "*a few friends in Sanquhar*, conferring on the times of *our suffering ancestors*, conceived the project of *getting up* a demonstration in commemoration of the Declaration which the followers of Cameron, in the year 1680, published at the cross of that burgh." The execution of the project was as brilliant as its conception. By dint of brass bands, and,—"a flag tattered and stained, yet still in good repair, which had been at Drumclog and Bothwell Bridge, and bearing the white cross of St Andrew on a blue ground in one part, with the motto in another '*Pro Religio et Libertio*,'"—a conventicle worthy of the occasion was congregated. If in addition to the flag bearing a motto that might have been penned by the authors of the martyrs' epitaphs, the *getters up* of this demonstration had made interest to obtain the banner of "our suffering ancestors" which bears the order "No quarter for the active enemies of the Covenant," the pageant would have been more complete. The platform for the Dons of the meeting was so monopolised by *Mas Johns*, that it must have looked like the scaffold of a sufferer we dare not mention on such an occasion, or claim as one of "our suffering ancestors,"—what time

> "The grim Geneva ministers
> With anxious scowl drew near,
> As you have seen the ravens flock
> Around the dying deer."

A more congenial illustration may be derived from Mas John Welsh's famous

Digitized by Google

verhouse's troop and a few dragoons, caught the vagabonds in arms, and gave a good account of them, as the following record of the affair, standing in the Register of the Privy Council, will suffice to shew:—

"*5th August* 1680.—Anent a petition presented by Andrew Bruce of Earlshall, shewing, Whereas the petitioner and other officers were commanded out with a party of his Majesty's forces of horse and dragoons in pursuit of the rebels, the 19th day of July last; the Heavens having helped them with success, the rebels were defeated by them at Airdmoss, the 22d; the most part thereof being killed and wounded, the person of David Hackston of Rathillet was presented to the Council, the heads of Cameron and Captain Fowler were, by the Council's order delivered to the Magistrates of Edinburgh; and therefore humbly supplicating that the Council would allow the favour, unto the petitioner and others, which is contained in the proclamation in reference to these persons; which will encourage them in their duty in all time coming. The Lords of his Majesty's Privy Council having heard and considered the foresaid petition, do recommend the petitioners to the

speech to Richard Cameron himself, when dismissing him to his vocation of becoming one of our suffering ancestors,—"Go your way, Richie, and *set the fire of Hell to their tails.*" (*Scots Worthies*, p. 359). He must have been at the tail of Professor Blackie, who blazed off upon the occasion like a rocket of Greek-fire. We may believe their chronicler, when he says,—"The learned Professor of Greek in the University of Edinburgh, standing on the broken wall of a crumbling feudal fortress, discoursing on the men of the Covenant to the people of Nithsdale, was a *unique* and interesting sight." But the speech of the day was from a military gentleman: "Colonel Shaw of Ayr, having been *introduced by Provost Whigham*, said, he had great pleasure in being present, though he had *felt very great difficulty at one time*, with respect to the Covenanters." Richie Cameron, however, must have set fire to him also, for his difficulties had resolved into this very decided opinion: "He read of Claverhouse, and he wanted words to express the *loathing and contempt* he entertained for that *miserable military scavenger*, who was *no soldier and no gentleman*: He could not *dip his tongue in a cess-pool vile and filthy enough to paint his character*: As respects Claverhouse and Charles II., he might say, like master like man; for the King was the vile slave of his own lusts, a *miserable brothel-keeper*, who ought not to have been *allowed* to live, but should have been *strangled at his birth*." Rather an Irish mode of punishment for the sins of manhood. Before the enforcement of the sanitary regulations, the gallant Colonel would have found a cess-pool or two about Dumfries that might have met the wishes of his tongue. This hideous but harmless raising of the ghost of the Sanquhar Declaration, reminds one of a turnip-lantern spectre in a country kirk-yard.

Digitized by Google

Lords Commissioners of his Majesty's Treasury, to give such allowance to the petitioners as such a piece of good service deserves."[1]

The capture of Rathillet, he who so deliberately superintended the murder on Magus Moor, was necessary to satisfy the natural longings of a just retribution on earth. The barbarous law, only recently abolished, of dismembering and disembowelling, for such crimes as high treason, and the murder of a Privy Councillor, then prevailed, and certainly never lighted upon one who deserved less commiseration. So that remorseless villain was hanged with all the horrors. The coadjutor of Cameron, Donald Cargill, persisting in the same frantic course, was taken in the following year, and although only subjected to the simple process of hanging, disgraced the cause, and fain would have rejected the crown. Four of his deluded followers suffered along with him; and, says Fountainhall, "They all died a great deal more stout and firm than their leader Cargill, who *behaved most timorously to save his life*,—if it could be converted to banishment,—and *minched their principles*, and begged for a longer time, that he might be judged in Parliament; but finding there was no remedy, he put on more staidness and resolution after his sentence."[2]

His Royal Highness the Duke of York, as Lord High Commissioner, opened the Parliament at Edinburgh, on the 28th day of July 1681, in a most temperate and dignified speech, which, among other matters, thus refers to the main cause of the troubles in Scotland: "His Majesty hath commanded me to assure you, that he will inviolably maintain and protect the Protestant Religion, as now established by law in this his Kingdom; and that he will, upon the same account, protect and maintain the government of the Church by Archbishops

[1] Register of the *Decreta* of the Privy Council, 5th August 1680. These books of the *Decreta*, and Fountainhall's Diaries, supply in a great measure the *hiatus* occurring in the *Acta* of the Privy Council Register, from August 1678 to August 1682; a fact of which Lord Macaulay had not been sufficiently informed by his Edinburgh correspondents. See before, p. 141, *note*.

[2] See before, p. 150, *note*. Cargill's grand exploit was the sentence of *Excommunication*, which he pronounced publicly, and with great parade, against the King and Royal family, at Torwood in Stirlingshire, in the month of September 1680. He was hanged in July 1681.

Digitized by Google

and Bishops, and will take their persons, and all other their concerns, into his royal care and protection; and doth seriously recommend to you to fall on effectual courses for suppressing those seditious and rebellious Conventicles, from whence proceed all disorder and confusion, and those horrid and extravagant doctrines which are a scandal to Christianity, and a subversion of all public and private interests." To his Majesty's gracious letter presented upon this occasion, the Parliament returned a loyal and dutiful reply, wherein they thus truly and justly distinguished between the people of Scotland, and those miserable and tumultuous fanatics who usurped the name of the nation, and destroyed its security and peace. "Though some rebellious and deluded people have disturbed your Majesty's Government here, yet their principles are so extravagant, and so few persons of any note or quality are engaged with them, that we may justly hope their crimes cannot be imputed to *this Kingdom*, whose representatives, in this your Majesty's Parliament, will, no less for the vindication in what is passed, than for their own security for the time coming, cheerfully provide suitable and sufficient remedies; all of us being very sensible that those distractions and disorders would, in the issue, tend to the dissolution, not only of your Majesty's Government in Church and State, as the same is by law established, but even of all human society."[1]

History has assumed against Claverhouse, at once calumniously and absurdly, that he was a sort of *sine qua non* in all collisions with the Conventiclers, and that he was actively prominent throughout the whole course of the lamentable occurrences which their long and obstinate rebellion occasioned. He has been in a manner held responsible for all the measures of Government, and every act of the Executive, during the troubled reigns in which he flourished; and to have been, as it were, the guiding star of cruelty, against "our suffering ancestors," in the field, on the scaffold, and in the torture-room. Hence, even Sir Walter Scott invested him with the command of the cavalry, not only at Bothwell, where he merely led his

[1] "His Majesty's Gracious Letter to his Parliament of Scotland," &c, with the Parliament's Answer; "published by his Majesty's special command, 1681."

Digitized by Google

own troop, but also at Pentland in 1666, before he had left College. And as for Lord Macaulay, he failed to distinguish him from the Captain of the town Guard; and doubtless would have dubbed the *homonym* Claverhouse, had his name happened to be Graham. Not only had our hero nothing to do with any of the prominent occurrences we have shortly reviewed, or with the measures, or temper of the Government throughout the Duke of York's administration in Scotland, in the years 1681 and 1682, but we cannot discover that he was again actively employed with his troop, suppressing Conventicles in any part of the country, until 1682. It was his lieutenant, Earlshall, who commanded the military at Airsmoss. Neither had Claverhouse any position of authority in the Government, not being as yet elevated to the rank of a Privy Councillor. His functions, military and judicial, in the southern districts, had ceased, and it seems to have been made a question whether it was necessary to renew them; or, if so, whether he would be the right man in the right place. The most remarkable matter that occurred to himself, between 1680 and 1682, appears to have been his narrow escape from drowning, on his passage from Burntisland to Leith on the 26th November 1681, in a boat called the *Blessing*, in company with "several gentlewomen, ministers, and a whole throng of common passengers."[1] Had he so perished, his loss would have been felt by the Government, which about this time had just arrived at the conclusion that a repetition of his services, at once active, firm, and temperate, in the disturbed districts, had become absolutely necessary.

William Douglas, Earl of Queensberry, long looked to as the coming man after Lauderdale, was now commencing his great and rapid rise, as that flaming star went down. He had been extremely jealous of the appointment of Captain Graham as Sheriff-depute of Dumfriesshire in 1679, and gave out that commission to him with an exceeding bad grace, under something very like compulsion from the Government. He had also cast vexatious obstacles in the way of granting the locality requisite for the sustenance of the troops of horse

[1] See before, vol. i. p 316.

Digitized by Google

and dragoons, which Claverhouse had to quarter on those districts. Nevertheless, Queensberry had learnt to appreciate the talent, energy, and honesty, of this cavalry officer; and when he found the old troubles rising once more round Drumlanrig and Sanquhar, it was to Claverhouse that he directed the attention of Government again, although his own brother, Colonel James Douglas, was an excellent and energetic officer, much employed, and ever willing to serve. Sir George Gordon of Haddo superseded Sir James Dalrymple of Stairs as Lord President of the Court of Session, on the 1st of November 1681; and to the new President it is, that the Earl of Queensberry, who about the same time had been appointed Lord Justice-General, and an Extraordinary Lord of Session,—writes as follows:—

"*For my Lord President of the Session.*

"SANQUHAR, *2d January*, 1682.

"MY DEAR LORD:—I had given you this trouble sooner, but that nothing occurs here worth, it all being peaceable, save only that in the heads of Galloway some of the rebels meet. But their number is not considerable, not exceeding twelve or sixteen, and their business is only to *drink and quarrel;* so neither Church nor State, in my judgment, need fear them. However, I am *still of opinion*, the sooner garrisons be placed, and a competent party sent with Claverhouse, for scouring that part of the country, the better. Besides, I'm told, field conventicles continue in Annandale and Galloway; but all will certainly vanish upon Claverhouse's arrival, *as I have often told*, &c."

"My dear Lord, your Lordship's most real and humble servant,

"QUEENSBERRY."[1]

In less than two months after the date of the above letter, Claverhouse re-appears in Galloway, at the head of an expeditionary force, somewhat less than that with which he had been entrusted in 1679, and which was brought to a close by his defeat at Drumclog. Whether that mishap was rankling in his bosom, or whether he entertained, on that account, a single sentiment of animosity, or desire to be revenged, may now be

[1] *Aberdeen Papers.* See Preface to this volume, for an account of this collection.

Digitized by Google

judged of, from the tenor of his dispatches relating to this his second campaign against the Conventicles of the south, which we are about to quote, and which have not hitherto been made public.

At the commencement of the year 1682, many of the hereditary jurisdictions fell into the hands of the King, by reason of their possessors refusing to take the Test. Sir Andrew Agnew of Lochnaw, heritable Sheriff of Wigton, and the Viscount of Kenmure, heritable Bailie of the regality of Tongland, were both deposed, and Claverhouse appointed in their stead. Moreover, on the 30th of January of that year, our hero is specially commissioned, as Sheriff of Wigton, to constitute criminal courts, and try by Jury all fanatical delinquents, "not being heritors," and "cause justice to be administered on them according to the laws and acts of Parliament of this realm." As also, "to call before him, or his *Deputes and Substitutes*, the persons frequenting and residing in the said shire of Wigton, guilty of withdrawing from the public ordinances in their parish churches, *since our late Act of Indemnity*; as also the persons guilty of conventicles, disorderly baptisms and marriages, harbouring and resetting rebels, during the said space; and to impose and exact the fines conform to the Acts of Parliament, and to do and to perform everything requisite and necessary for putting the same to due and vigorous execution." Besides this appointment as Sheriff-principal of Wigton and heritable Bailie of Tongland, the same commission confers upon him the office of Sheriff-*depute*, and Stewart-*depute*, of the shire of Dumfries, and Stewartries of Kirkcudbright and Annandale. These heritable jurisdictions were possessed respectively by Queensberry and Livingstone, neither of whom had refused the Test. The subordinate commission to Claverhouse flows upon this occasion directly from the Crown, but with a *caveat* in favour of the heritable jurisdictions: "It is hereby declared, that the commission is no ways to be prejudicial to the right of jurisdiction belonging to the Sheriff of Dumfries, and Stewarts of the stewartries of Kirkcudbright and Annandale, and that the said John Graham is only to proceed and do justice in the

Digitized by Google

cases foresaid when he is the *first attacher*."[1] This commission bears to be "given under our signet at Edinburgh, the last day of January 1682, and of our reign the thirty-fourth year."

Thus, the system which the Treasurer-Depute, Hatton, recommends in his letter to Queensberry of the 15th April 1680, that "the *law* go with the *sword*," was extensively acted upon in the year 1682. Able and intelligent officers were selected to command parties of military, in the various disturbed districts, and some of these were in like manner invested with a jurisdiction cumulative with the Sheriffs-depute and Bailies of regality; and also with a commission of justiciary for the trial by jury of state delinquents under territorial degree. In a commission of the kind issued by the Privy Council, on the 3d of August 1682, to Adam Urquhart of Meldrum, for the shires of Haddington, Roxburgh, Selkirk, Berwick, and Peebles; and to Major White for the Sheriffdom of Ayr, Bailiaries of Cunninghame, Carrick, and Kyle, the necessity for this temporary combination of the sword with the law is thus stated by the Government: "Yet by reason of the saids (local) magistrates their remissness in discharge of their duties, the said disorders have of late much increased; and further, the persons guilty of being in the late rebellion, and of murdering some of the King's soldiers, are suffered to live in quiet, and to possess their own lands, rents, and moveables, and are harboured, reset, and encouraged by several persons in the country, without being noticed, far less pursued, apprehended, and brought to justice by the said magistrates, as in duty they ought to have done, which has occasioned the sending of several parties of his Majesty's forces to these places; and his Majesty's Privy Council taking notice of the diligence and activity of some of these officers intrusted with the command of these forces, and considering how necessary it is, that when the ordinary magistrates does not fully their duty, that fit persons should be nominated to assist in the King's service,"—have issued ac-

[1] That is, the first to do diligence, or take legal steps in the case. This commission to Claverhouse is printed in the Appendix to Wodrow, *ad annum* 1682; but the words, "first *attacher*," are printed "first *attacker*."

Digitized by Google

cordingly these civil and cumulative commissions to the various commanders selected for the purpose.[1]

These new commissions to Claverhouse in 1682, immediately followed upon the advice written by Queensberry to the Lord President. But we are constrained now to turn to Wodrow himself, for information as to the first movement of our hero in consequence. The martyrologist professes to quote the following from some record of the Privy Council proceedings which we have been unable to discover.[2] "January 27th (1682), Claverhouse being sent into Galloway with a troop of guards to execute the military orders given him, which I have not seen, the Council allow him to make use of the house or chapel belonging to Sir John Dalrymple, to keep guard in, and in the house of Kirkcudbright belonging to Sir Robert Maxwell, and allow him to call for, and commune with the rebels, or any suspect to have been in the rebellion from Galloway; and grant him power to give them *safe-conducts*, not exceeding fourteen days, to pass and repass, and commune with him; these powers to continue during pleasure. And, January 30th, they grant him a commission, as Sheriff of Wigton, to punish all disorders, disturbance of the peace, and church irregularities, in Kirkcudbright, Annandale, Wigton, and Dumfries, as the commission bears."[3]

[1] Privy Council Register. This sederunt of 3d August 1682, is the first that occurs after the blank occasioned by the missing register, between that date and August 1678.

[2] No register of the *Acta* of the Privy Council between the dates August 1678 and August 1682, is to be found in the Register House, as we have previously noted, and Wodrow himself notices particularly the same blank, in a letter to one of his correspondents, while compiling his history. (See before, p. 141). Yet we find Wodrow continually referring in his history to the *Council Register*, *within* the dates above referred to, as if there had been no such blank, and without mentioning how it was supplied. The blank still remains in the Register House. Thus, he quotes entire (in the Appendix to his history) the commission to Claverhouse of date 30th January 1682, which we have not discovered, either in the register of the *Decreta* of the Privy Council (where the blank in question does not occur); nor among the loose *warrants* for the recording, which happen to have been preserved; nor elsewhere. In like manner, Wodrow's quotation from the Council Register of 27th January 1682, given in our text above, we have not discovered elsewhere. The nature of these quotations, however, are such, that we find no reason to doubt their fidelity.

[3] Wodrow's History, vol. iii. p. 370.

Digitized by Google

Were credence to be given to Wodrow, the year 1682, in the first month of which Claverhouse was recommissioned as we have seen, is no less worthy of being celebrated in the annals of diabolical cruelty,—perpetrated by distinguished Government officials acting under the authority and directions of the Privy Council of Scotland,—than, as he also tells us, was the year 1679. We have already exposed his gross calumnies against the gallant Graham, relative to his commission for securing the escheats of the forfeited rebels and outlaws in the southern districts after the rout at Bothwell,—how he screwed cords round the brows, and into the very brains of innocent herd-boys, or hung them up by their thumbs to the rafters of their cottages. It is singular how many of Wodrow's examples are cases of innocent boys of tender years tortured for nothing, and so brutally as to cause death or distraction. It is singular that all these boys are *nameless*, and their parentage unknown, or unrecorded by Wodrow. It is yet more singular, that the highly responsible officials under whose immediate command these horrible acts are said to have been perpetrated, were not called to account, nor even challenged, although Queensberry reigned in the south, and Hamilton in the west, the districts in which, he says, such atrocities continually occurred. The proof is abundant, that neither of those territorial magnates were likely to be at all tolerant of extreme injustice, or great oppression committed within their jurisdictions; or that they would have turned a deaf ear to complaints so justly founded. We have afforded one example of the Duke of Hamilton's successful interference in a case where the grievance was the merest trifle compared with the instances which Wodrow would have us believe, although they raised no murmur that was heard at the time,—found no record, no champion, and no redress. How came his Grace not to notice, or interpose his patriotic justice to avenge, such a horror as the following, "selected" by Wodrow as having occurred in the shire of *Lanark*, under some of the new combined military and judicial commissions issued at the commencement of the year 1682? "One piece of barbarity at this time, I cannot omit. The same *Inglis*[1] came with a

[1] Wodrow fastens this unvouched atrocity upon one whom he designs "Archibald Inglis, a commander under Hallyards."

Digitized by Google

party to the western Arnbuckles in the same parish (East Monkland). The man they were searching for was fled, or was not at home. The soldiers alleged that some part of that year's crop was disposed of, and forced the women of the house to swear if it were so, when they saw the good man, or if they knew where he was. After this, they found *a boy* of about fifteen years, *or under*, and would have him to swear as above, and upon oath declare where his master was. The youth refusing, they struck him with swords till he was all running down in blood; in this pickle they dragged him, by the hair of his head, to the fire, and after they had wrung about his nose till it was gushing out in blood, they held his face to the fire till his eyes were like to leap out of his head. The poor women not being able to help him, prayed him, with tears, to tell anything he could, before he were *burned to death*. When in this torment, they held drawn swords to his breast, cursing and swearing they would immediately send him into eternity; and then struck and beat him upon the head, till he fell down dead among their hands, as they thought, and so left him as such, and the house. However, he *recovered*, but was *distracted for some time* after this barbarous usage." Besides this most improbable story, for which not a shadow of proof is offered, Wodrow tells us of three poor countrymen, in the same shire of Lanark, who, for no better reason, were put to "terrible torment," and their hands "perfectly maimed," by having burning matches tied between their fingers, at the inexorable fiat of Captain Inglis! And then he favours us with his own moral reflections on the subject: "This *power of torture, lodged in every commander of a party of soldiers*, I am of opinion, can scarce be paralleled in any other Christian or civilized nation."[1] But no such power was lodged in any commander of soldiers; nay, not even in the hands of Queensberry or Hamilton. If one *died* under torture before the Privy Council (which never happened), even the King's Counsellors were indictable for murder. A soldier detected in any lawless or oppressive act, was called to account and punished. And as for any captain of soldiers, far less such a captain as Claverhouse, having used any such diabolical means of extorting in-

[1] Wodrow's History, vol. iii. p. 388.

Digitized by Google

formation, and that, too, from the young and innocent, the story is not the less likely to be an atrocious falsehood that Wodrow asserts it for an historic truth.[1]

But let us now judge him from his dispatches. It is pleasant to turn from the low chronicles of this fanatical dominie to the confidential correspondence, commencing in this very year 1682, of him who was "every inch a soldier and a gentleman."

It is a new feature in the history of Claverhouse's habits and occupations, that throughout the eleven years of his career in Scotland, he wielded the pen much more than the sword. During all his fatiguing and harassing employments, he kept up a most voluminous correspondence with the leading statesmen of the day, as well as with the Commander-in-Chief. It has been assumed that he could scarcely pen a letter![2] He appears, on the contrary, to have been about the

[1] No cruelties of the kind are noted or alluded to by Fountainhall. He never couples the name of Claverhouse with cruelty. Yet such illegal abuse of power was not likely to have escaped his notice. We may instance the following. Before the Privy Council, upon the 27th of April 1682, John Chiesly of Dalry, (the violent scoundrel who afterwards assassinated President Lockhart while walking home from Church), "complains," says Fountainhall, "on Davis, Clark, &c., who rode in the King's Life Guard, that they had, by way of *hamesucken*, invaded him in his own house, and wounded and beat him and his servants, and had taken possession of his stables, and thrust out his own horse, &c. They (the soldiers) had also a *recrimination against him*, viz., that they, being come to fetch his proportion of straw for their horses, conform to the late Act of Parliament and Council, he, with sundry of his servants and tenants fell upon them with forks, grapes, &c., and had broken their swords, and wounded some of them. *It is referred to the Criminal Court.*" Tried accordingly they were, under a libel for *hamesucken*, (assault in a dwelling), invasion, and *oppression*, at the instance of the Lord Advocate. To elide the *hamesucken*, which was then death by law, the soldiers founded "on a warrant they had from Murray, the Lieutenant of the King's troop, to come and force corn and straw." The Advocate, most properly and justly, passed from the *capital* charge, "and insisted only for the *invasion and oppression;* the Assize found them guilty; the one is banished the kingdom, *never to return on pain of death;* and Clark is *degraded from the King's troop*, and ordained to find caution for his good behaviour in time coming: This is not enough,"—adds our whig lawyer, whose notices are sometimes very unfair to the Government,—"to suppress the soldiers' insolence; the punishment of hamesucken, which they were certainly guilty of, is death."—*Historical Notices*, vol. i. pp. 353, 363. How, and for what purpose, Wodrow collected his rubbish of calumnies, more than thirty years after the alleged events, we have already sufficiently exposed, *see before*, p. 84–91.

[2] See before, Vol. i. p. 23, Mr Burton's estimate of Claverhouse's epistolary powers.

Digitized by Google

very best official letter-writer, and epistolary *quid-nunc*, of his own time. The following is manifestly one of his first dispatches, at the commencement of his second campaign against the field Conventicles, and rebel outlaws, at the opening of the year 1682.

Claverhouse to Queensberry.

"NEWTON OF GALLOWAY, *February the 16th*, 1682.

"MY LORD:—I hope you will pardon me, that you have not heard from me till now. I send your Lordship here enclosed a copy of what I have written to the General;[1] which is the *first account* I have given to any body of my concern in this country. I shall not need say anything of the general of affairs here, having, may be, given but *too long* an account already. However, I thought, better say *more* than enough, than omit anything that should be said.

"As I came from Stranraer, about Glenluce, I met with Castlestewart and his brother,[2] to whom I gave all the assurance imaginable of my care of their concerns; as I did to my Lord Galloway, whom I had the honour to see at his own house; and let him know it was particularly recommended to me by your Lordship. They seemed very sensible of your favour, and satisfied with it. I had the good fortune to see *Bruchten*, *Baldun*, and *Ylle*;[3] who offer their assistance in all may concern the King's service. When I was at Dumfries, several of your Lordship's friends did me the favour to see me, and assure me, upon your Lordship's account, of their friendship. I waited on my

[1] General Dalyell was appointed Commander-in-chief of the forces in Scotland, after the battle of Bothwell Bridge. The enclosure referred to, is not found among the Queensberry Papers.

[2] William Stewart of Castlestewart, and Robert Stewart of Robeinston, brothers-german of Alexander, third Earl of Galloway, were both included in the long list of rebels and traitors denounced and intercommuned by the royal proclamation, after the Bothwell insurrection, dated June 26th 1679. But these gentlemen both cleared themselves from the imputation, to the satisfaction of the Government, and were reponed against the proclamation.

[3] Richard Murray of Broughton, Sir David Dunbar of Baldoon, and Thomas Lidderdale of St Mary's Isle, Stewart-depute of Kirkcudbright. Perhaps, however, David Dunbar, younger of Baldoon, the only son of Sir David, may be the one to whom Claverhouse refers, as he was a most active and loyal country gentleman, at the time of his unfortunate death by a fall from his horse whilst riding between Leith and Holyrood House, 20th March 1682. His sad fate was deplored in a long dreary elegy composed by his parish clergyman Andrew Symson, who was greatly attached to him. He fairly confesses, in the following lines of his elegy, that his

Digitized by Google

Lord Nithsdale, and we have established a correspondence. *Stenes*[1] did me the favour to call here yesterday, as he went to see some of his relations. He told me *Craigdalloch*, and *Maxweltoun*,[2] and several others, waited at Maxweltoun for me, thinking that I would pass that way; so that I am here resolved to live in perfect friendship with all that are your friends; and I must acknowledge I find them extremely disposed to it, which I attribute to your Lordship's influence. I was last night to wait on my Lady Kenmure, my Lord being from home, who, she said, knew nothing of my coming. I told her what pains your Lordship had been at to keep her house from being a garrison, and she seemed very sensible of it. I am sorry that I must acquaint you, but I shall do it to nobody else, that I am certainly in-

whole parish congregation had at length resolved into David Dunbar, younger of Baldoon :—

> "*He* was no schismatick: *He* ne'er withdrew
> Himself from the House of God: He, with a few,
> Some *two or three*, came constantly to pray
> For such as had withdrawn themselves away.
> Nor did he come by fits; foul day or fair,
> I, being in the church, was sure to see him there.
> Had *he* withdrawn, 'tis like, these *two or three*
> Being thus discouraged, had deserted me:
> So that my muse 'gainst *Priscian* avers,
> *He, he alone*, were *my parishioners*:
> Yea, and my constant hearers. Oh, that I
> Had power to eternize his memory."

As Claverhouse's chief tyranny was to cause the parishioners of that district to "keep the kirk," doubtless young Baldoon would commune with him on the subject. A romantic interest has been shed on his character, by the mysterious family legend connected with his marriage in 1669, to Janet Dalrymple, the President's daughter, immortalized as "The Bride of Lammermuir." The legend itself is anything but proved; and various circumstances contradict it. But on such a subject as that, a romance of Sir Walter Scott's is far better than the truth.—See *Introduction to the Bride of Lammermuir*.

[1] John Douglas of Stenhouse. The following appears in the register of the *Decreta* of the Privy Council, of date 5th February 1680:—"The Lords of his Majesty's Privy Council being informed that John Douglas of Stenhouse, in Nithsdale, was lately invaded in his own house by a number of the rebels, who committed divers outrages and violences upon him, robbed and pillaged his house, and carried away his goods, out of malice and prejudice against him because of his affection to his Majesty's Government,—the said Lords do recommend to the Lords Commissioners of his Majesty's Treasury, to cause the said John Douglas of Stenhouse to have reparation of the damage he has suffered by the said rebels, out of the moveables of any persons in Galloway or Nithsdale who were in the late rebellion."

[2] Robert Fergusson of Craigdarroch, and John Lawrie of Maxwelton.

Digitized by Google

formed my Lord Kenmure[1] has conversed frequently with rebels, particularly *Barscob*.[2]

"As to the Treasury Commission,[3] I fear I shall not be able to do what I would wish, because of the season. For of their corn and straw there is not much left, and their beasts, this time of the year, are not worth the driving. The rebels have lived, I find, peaceably[4] here till now, and their wives are still in their houses, and take it worse now, than they would have done at first, to be ruined. For then they expected it; and now, after so long forbearance, they were become secure.

"The country here abouts is in great dread. Upon our march yesterday most men were fled, not knowing against whom we designed. But the Act of Council about the safe-conduct amuses many, and will be of use to make them more inexcusable in the eyes of the people, if they make not use of it; which I am feared few will do. My humble opinion is, that it should be unlawful for the donators to compound with anybody for the behoof of the rebel, till once he have made his peace. For I would have all footing in this country taken from them that *will stand out*. And for securing the rents to the donators, and the Crown, it is absolutely necessary there be a fixed garrison in Kenmure, instead of Dumfries. For without it, I am now fully convinced, we can never secure the peace of this country, nor hunt those rogues from their haunts. It is a mighty strong place, and proper above all ever I saw for this use. I shall give this advice to nobody but yourself; and I do it the more freely, that my lady told me, if the King would bestow two or three hundred pounds to repair the house, she would be very well pleased his soldiers came to live in it. Do in it as you think best; but if it could be done with their satisfaction it would be great service to the King. For having that post sure, I might with the party I have answer for the rest.

"I have taken out the half of Captain Strachan's party from Dumfries, not seeing what they are good for there, unless it be to lay secure and do nothing.

"I sent yesterday two parties in search of those men your Lordship gave me a list of; one of them to a burial in the Glencairn, the other to the fair at Thornhill. Neither of them are yet returned; but *Stenhouse* tells me that the party at the burial miscarried; that he pointed out to

[1] Alexander Gordon of Penninghame, fifth Viscount of Kenmure.

[2] Robert M'Lellan of Barscob, of whom afterwards.

[3] To seize and uplift the moveable property of rebels and outlaws, as a fund for Government, out of which expenses and reparations were paid.

[4] "Peaceably" here means, undisturbed in their rebellious ways; as Claverhouse describes more particularly in his subsequent dispatches.

Digitized by Google

them one of the men, and they took another for him; though I had chosen a man to command the party that was born thereabout. They shall not stay in this country, but I shall have them.

"The first thing I mind to do, is to fall to work with all that have been in the rebellion, or accessary thereto, by giving men, money, or arms; and next, *resetters;* and after that, *field Conventicles.* For what remains of the laws against the fanatics, I will *threaten* much, but forbear severe execution for a while; for fear people should grow desperate, and increase too much the number of our enemies.[1]

"My Lord, there is one favour I must desire of you, and I believe when I have got it, I will not *buy land with it.* Which is, that your Lordship would be pleased to consider, that having business in so many places, and with so many people, I will be put to *great expense*, and there is no doing business without being open handed; so would desire your Lordship would speak to the Duke,[2] and represent the thing to the Lords of the Treasury, that I might have the gift of any, that are not yet forfeited, that I can find probation against. I mean only of their *moveables;* and shall with it support all the expense of the Government, as maintenance of prisoners, witnesses, spies, and all other expense necessary in this country. For your Lordship would let them know, that I have many things to do extrinsic to the office of an officer.[3]

"Your Lordship will do me another favour, which is, that the Lords of the Treasury let me not suffer in my absence; that I be paid the three months pay we are *in arrear.* I would not, my Lord, take this freedom, if you had not allowed me to do it.

"If there be anything you would have me to do, or anything I do amiss, you will do me great kindness to tell me. I shall write often and much.

"I am, my Lord, your most faithful servant,

"J. GRAHAME."[4]

[1] This would scarcely have been the policy of one capable of such diabolical and illegal acts of cruelty perpetrated upon married women and young boys, as Wodrow affirms of the proceedings of Claverhouse in these districts in 1679.

[2] The Duke of York, who was still in Scotland.

[3] There seems nothing here to justify Lord Macaulay's character of Claverhouse, "*rapacious* and profane."

[4] Queensberry Papers. It will be understood, that all the letters from Claverhouse to Queensberry, are from the Queensberry collection, in possession of his Grace the Duke of Buccleuch and Queensberry, and only now first brought to light.

Digitized by Google

Claverhouse to Queensberry.

"DUMFRIES, *February the 22d*, 1682.

"MY LORD:—There is nobody has more reason than I to rejoice in everything that contributes to your Lordship's honour and greatness; and I cannot forbear to congratulate this late mark of favour the king has put upon you, and persuade myself he will not stop there. I wish he may always confer his honours on such persons as your Lordship, whose merit and fortune will add lustre to that dignity.[1]

"My Lord, I had a letter from *Lagg*,[2] by your Lordship's command, wherein he told me the Duke[3] complained I had been so long a writing. I sent an express on Friday morning with letters to your Lordship; nor could I write sooner; for it would have been to no purpose to do it before I came to Stranraer, and from thence I could not have given any account of the country. Besides, I marched hither almost as fast as anybody I could have sent. So I hope he will attribute it to [no][4] neglect in me.

"The other part of Lagg's letter was for removing the garrison from this, which I should immediately do were it not that I persuade myself that your Lordship will think better what I am to propose. And in the mean time the country suffers no prejudice; for I have discharged calling for any more locality till I know your Lordship's pleasure, there being enough till then.

"My Lord, your Lordship would see by my letter to the General, how I have provided for my party. Two weeks' provisions at *Stranraer;* three at *Wigton;* three at *Kirkcudbright;* three at *Dumfries*, from the ten parishes in the Stewartry; and two at the *Newton;* which will serve us till the grass. There remained Captain Strachan's troop to provide for, and before I came hither, there was a meeting appointed of the commissioners; but they met since. I was not present, nor knew I what they were to do; but I am informed they have continued the former rates, which were very reasonable, and appointed a locality for threescore of horses, (or more, as the commanding officer should require) to be laid on Nithsdale and Annandale; and that immediately there should be a month's provision brought in; which was done by

[1] This refers to the step in the peerage just conferred upon Queensberry, who was created Marquis of Queensberry, &c., by patent 11th February 1682, with remainder to his heirs-male whatsoever.

[2] Sir Robert Grierson of Lagg.

[3] The Duke of York.

[4] Claverhouse had omitted the *negative*, so essential to this sentence, in the hurry of writing.

Digitized by Google

some parishes before I came back, or knew anything of all this; which I see proceeded all from their not knowing my design, which I suppose has been the reason why they have addressed themselves to your Lordship, thinking it would fall heavy.

"My Lord, you would see by my last, that I removed the half of the garrison then. I purpose not to keep any here but twenty; and that provision which was laid on for one month, for threescore of horse, will serve twenty horse for three months; so that we need no more from this country but that one month for threescore of horse, and they have not furnished any before. I am informed it will be hardly worth the noticing. If you do not approve of this, let me know, and I shall immediately remove them. But I will have difficulty to reach with parties this country from Kirkcudbright. Besides, *the General will be mad!* [1]

"My Lord, I caused seize one in your Lordship's list at the Thornhill hill-fair, called *Williamson of Overcailloch.* He is a tenant of Craigdalloch's, who has written to set him at liberty upon his promise to produce him; which I begged his pardon for, till I should hear from your Lordship.

"My Lord, you desire by your memorandum, that I should send to Edinburgh any of those persons I take. I can do anything with them your Lordship pleases here, by virtue of my commission; [2] but let me know; if you design to have them there it shall be done.

"I have spoke with most part of the forfeited heritor's *wives* at their own houses, but see little inclination in them to compound with the donators, or make their peace with the king; save only Mac . . . . 's (?) brother.

"I have so far preferred the public concern to my own, that I have not so much as called at *Freugh*,[3] though I passed in sight of it. I can catch nobody, they are all so alarmed. My Lord Duke Hamilton was

[1] The old Muscovian General did not draw well with Claverhouse, who was inclined to be too independent. His appointment as Commander-in-chief is thus recorded by Fountainhall: "6th November 1679.—At Privy Council there is a letter read from his Majesty nominating Lieutenant-General Dalyell Commander-in-chief of all the forces in Scotland, with power to him to act as he shall think fit, and only be liable and accountable to, and judgeable by, his Majesty himself; for Dalyell would not accept it otherwise; only he promised, that in difficult exigents he should take the advice of his Majesty's Privy Council."—*Historical Notices*, vol. i. p. 244.

[2] Claverhouse held a justiciary commission along with his military.

[3] The forfeited estate of Macdowal of Freugh, in Galloway, which had been conferred on Claverhouse as Crown donator.

Digitized by Google

pleased to tell me, before I parted, that I would do well to lie close in houses, for he would make it so uneasy for the whigs to live in the West, that he would send them all in to me. But by what I see as yet, I send more in on him *than he does on me.*[1]

"My Lord, I have a proposition to make which would secure the peace both of the West and this country, and I am persuaded will seem reasonable to your Lordship; and I wonder nobody has thought on it yet. But I will say nothing till I have put things to some order here; and I will beg leave for three or four days to come to Edinburgh, and give you an account of it.

"My Lord, be pleased to let me know if your Lordship designed, by your desiring I should no nothing here till you come, that I should not meddle with rebels and resetters; or only the laws against fanatics?

"I hope your Lordship has minded me for the moveables of any are not yet forfeited. If I give you the trouble of long letters, remember your commands at parting to your Lordship's most humble and faithful servant,

"J. GRAHAME."

"Since the writing of my letter, the Provost of Wigton came to me, and complained of my Lord Kenmure's deforcing a messenger *first;* and then, the *second* time, his factor robbed the messenger, and would force him to swear he should not reveal that he had taken the letters from him. This is a high misdemeanour; and it is fit your Lordship make him sensible; for this, and other things, might help to *ruin a man had no friends.* Your Lordship may see by this how necessary a constant force is here, for the execution of the laws in ordinary cases betwixt man and man, let be in the concerns of the Government."

[1] The Sanquhar exploit of 1680, was repeated at Lanark, in the month of January 1682, immediately before Claverhouse started upon this his second expedition against these Conventicles. An armed rabble, consisting of some forty or fifty of "our suffering ancestors," headed by some high-priests of the Religion and Liberties of our Country, assembled at the cross, and there publicly burnt the act of Parliament relating to the Test, pronounced a second *excommunication* of the King, and affixed another edition of the Sanquhar declaration to the cross of Lanark. Fountainhall, who notes in all his diaries this second attempt to raise the people, mentions that the inhabitants were afterwards fined in six thousand merks, to be paid *per capita,* "for not prosecuting and doing diligence to apprehend these rebels who came lately to their market cross, and published their declaration against the King."

Digitized by Google

Claverhouse to Queensberry.

"NEWTON OF GALLOWAY, *the 1st of March*, 1682.

"MY LORD:—I received your Lordship's of the 21st at Kirkcudbright on the 26th, and the other of the 25th I received just now, and am very sensible of your Lordship's care of the public concern, and goodness to me, in giving me so particular and exact returns,[1] which others neglect to do; and *especially* my good friend the Advocate, who writes to me very kindly, but very little in return of anything I desire of him. But I know he ordinarily *loses the letters*, and *forgets the business*, before he have the time to make any return.[2]

"My Lord, I am very happy the Duke [of York] is pleased with my procedures. I know much will depend upon your Lordship's testimony. I shall be careful of all your Lordship recommends to me in your letters. For my Lord Kenmure, I have taken information of his business, and he will not be as yet unworthy of your protection, as my brother[3] will tell you, and as you will see by my letter to the General. So I need not trouble your Lordship with any particulars.

"I wish the Gordons here were transplanted to the north, and exchanged with any other branch of that family, who are so very loyal *there*, and so disaffected *here*.[4] Mr Alexander is here, and I shall follow his advice.[5] That gentleman *in the Glencairn* shall have the honour of frequent visits, and all other favour I can show him. Craigdalloch's man, upon his letter which I have received, I shall let out on caution; and all other things in either of your letters I shall faithfully observe. The proposal I wrote to your Lordship of, for securing the peace, I am sure will please in all things but one,—that it will be somewhat out of the King's pocket. The way that I see taken in other places, is to put laws *severely*, against *great and small*, in execution; which is very just; but what effects does that produce, but more to *exasperate and alienate the hearts of the whole body of the people*; for it renders three desperate where it gains one; and your Lordship knows that in the greatest crimes it is thought wisest to *pardon the multitude* and *punish the ringleaders*, where the number of the guilty is

[1] It is much to be regretted that none of Queensberry's letters to Claverhouse have been recovered.

[2] We have here a graphic trait of the character and habits of the celebrated Sir George Mackenzie of Rosehaugh.

[3] David Graham, afterwards second Viscount of Dundee, and forfeited.

[4] Almost all the Gordons of the South were disaffected.

[5] Mr Alexander was one of Queensberry's Sheriff-deputes.

Digitized by Google

great, as in this case of whole countries.[1] Wherefore, I have taken another course here. I have called two or three parishes together at one Church, and after intimating to them *the power* I have, I read them a libel narrating all the Acts of Parliament against the fanatics; whereby I made them sensible how much they were in the King's reverence, and assured them he was relenting nothing of his former severity against dissenters, nor care of maintaining the established government; as they might see by his doubling the fines in the late Act of Parliament; and in the end told them, that the King had no design to ruin any of his subjects he could reclaim, nor I to *enrich myself* by their crimes;[2] and therefore any who would resolve to *conform*, and *live regularly*, might expect favour; excepting only *resetters* and *ringleaders*. Upon this, on Sunday last, there was about three hundred people at Kirkcudbright Church; some that for seven years before had never been there. So that I do expect that within a short time I could bring two parts of three to the Church.

"But when I have done,—that is all to no purpose. For we will be no sooner gone, but in comes their *Ministers*, and all repent and fall back to their old ways. So that it is vain to think of any settlement here, without a constant force placed in garrison. And this is the opinion of all the honest men here, and their desire. For there are some of them, do what they like, they cannot keep the preacher from their houses in their absence, *so mad are some of their wives.*

"So the thing I would propose for remedy of all this is, that there be a hundred dragoons raised for this country. The King may give maintenance to the men, and the country to the horses; which I shall answer for they shall do, because they are all in our reverence. And is it reasonable that this country should be at less expense than other well-affected parts of the Kingdom? Do we not pay the supply for their follies? Have we not, more than they, the expense of the militia? Their disaffection is a good reason why they should have less *trust*, but their trouble and expense should be equal to ours. So when the Stewartry, and shire of Galloway, give maintenance to a hundred horses, which is one-half of the whole expense of the troop, they are but equal with others, considering their want of militia, and their disorders. And if the King will do his part, I shall undertake for the country as a Galloway laird.[3]

[1] Here is another paragraph of Claverhouse's confidential correspondence, giving the most forcible contradiction to Wodrow's calumnies, which Malcolm Laing and Lord Macaulay have done their best to render into history.

[2] "*Rapacious* and profane."—*Macaulay.*

[3] As donator of the Crown in the forfeited estate of Macdowal of Freugh.

Digitized by Google

"The ways I will propose will lessen the expense extremely. First, if the Duke [of York] pleases, I offer myself to take the superintendence of them *without any pay;*[1] and for the next officer, who is to be the drudge, he may have six pounds a-day, by taking two men off every one of our troops of horse. We were sixty, and there is one taken off for the artillery. So there now remains fifty-nine, which does not well. But if these were taken off, we would just be the establishment of Holland, which is fifty-seven; and with the corporals in rank, as they *ought to be*, makes just twenty in rank; which is right for the Cornet.

"I must be excused if I propose to destroy a Government was made for the Governor's cause.[2] I think the pay would be as well bestowed this way, seeing he has nothing to guard, by[3] solan geese and ministers. The first will not flee away, and the others would be as well in Blackness or Dumbarton.[4] Now, for the hundred men at sixpence a-day, I would first make use of the four-and-twenty are in the Bass; remains seventy-six; which would amount to about seven hundred pounds a-year; and for that your Lordships of the Treasury might find a way to cut off some *idle pensiòn;* and I hear my Lord Newark is dead, which is four of it; and if it could be got no where else, it were better *sell that rock*, and the money of it would serve both here and in the West. For I could undertake the same thing might be done there. I will assure you there has been no more feasible project, though I say it myself. For, first, it would secure this country. Then, if those of the West were frustrate of this retreat, they would be easier found. Then, this might in all occasions be a brave troop of fusiliers, or granadiers, whenever the King had occasion; for I should breed them to either, or both, as the Duke had a mind. And I would desire leave to draw out of the two regiments a hundred of the best musketeers had served abroad; and I should take horses here, amongst the *suffering sinners;* and I will take the liberty to say, that whatever way be taken to do it, *we need more horse and dragoons.*

"If this do not, I may break my head to no purpose; for I know, after that, no other way but to do as others, and *get as much money as*

[1] Neither was this rapacious.

[2] The government of the Bass Rock, of which Lauderdale was Governor, and his nephew Deputy-governor.

[3] "By" is here used for "*except.*

[4] The rebellious preachers and firebrands were frequently sent to the Bass. The solan geese are there yet; but the breed of ministers that used to bear them company has become extinct, or very nearly so.

Digitized by Google

I can (which I have not thought on yet), by putting the laws in execution.

"I desire, if your Lordship like it, you may let the Duke [of York] hear it as I propose it; and speak the General, and the Advocate, and my Lord President, and the Register, about it.

"I am, my Lord, your Lordship's most humble and faithful servant,

"J. GRAHAME."

Claverhouse to Queensberry.

"WIGTON, *March the 5th*, 1682.

"MY LORD:—You need not expect great things from me, *on haste*, as to the seizing any considerable rebels. For I never make so much as the least search for them, knowing how much they are upon their guard, if they be not out of the country. And by this I design, not to harass the troops till I have made them secure.

"Old *Craickley* came yesterday and got a safe conduct for his son, and another heritor called *Magie*, that has not yet been heard of.[1] Here in the shire I find the lairds all following the example of a late great man,[2] and still a considerable heritor here among them; which is, to live regularly themselves, but have their houses constant haunts of rebels and intercommuned persons, and have their children baptized by the same; and then lay all the blame on *their wives;* condemning them, and swearing they cannot help what is done in their absence. But I am resolved this jest shall pass no longer here; for it [is] laughing and fooling the Government; and it will be more of consequence to punish one considerable laird, than a hundred little bodies.[3] Besides, it is *juster;* because *these* only sin by the example of *those.*

"I have not fallen yet to work in good earnest, in any part, because I thought best to understand the state of the conntry before I laid down my measures; but am now ready to make it in a few days to go all of a piece, over all this country.

[1] Among the Conventiclers cited before the Privy Council in 1679, appear the names of James Gordon of Craichlaw, *younger*, Macgie of Drumbuy, Macgie of Larg, and one Macgie in Penninghame. Craichlaw younger was forfeited in 1680.

[2] Doubtless Sir James Dalrymple of Stairs, who had been superseded in his office of Lord President of the Session in the month of October 1681.

[3] It was this determination on the part of Claverhouse, that the Government should not be fooled either by the President, or his more vicious son, Sir John Dalrymple, who was bailie of the regality of Glenluce, that soon after, as we shall find, brought him into violent collision with the future statesman of Glencoe.

Digitized by Google

"My Lord, there will be a necessity before I can settle this country, that I have leave yet to give the bond to little people. For there are a great number guilty,—especially of the *second* rising and mustering, *for which*, your Lordship remembers, *I was sent hither*.[1] And all people that went not out of the country, I think there should be some test of loyalty put to them, and so many years' rent taken off them, and then *secured of their life and fortune*. And if the Council thought fit, with some instructions I might do this.

"I forgot to give your Lordship account last time about the rents of the rebels. I find it the hardest thing in the world to make a rental of those lands were *never set*. However, I am taking all the pains I can, and in a few days will be able to give your Lordship account. But I am informed by all the gentry, that it will be as good a way as any to take the valued rent, and add somewhat more, as a fourth part. As, for example, a man of three thousand pounds of valued rent is worth near seven.

"In haste, I am, my Lord, your Lordship's most humble servant,

"J. GRAHAME."

"I have again waited on my Lord Galloway, and seen his brothers here, and Mr Alexander and I have conferred, and find them very frank.

"My Lord, I hear you have taken one *Mr Patrick Verner* at Edinburgh, and fearing he might be represented as *no dangerous man*, I have thought fit to send your Lordship this information, which may be *all proven*. I have it from a very worthy man, who desires not his hand to be seen.[2] I have not the time to copy it over. I shall say nothing, but desire your Lordship to remember that *from such men flows all our evils*."

[1] The rising under Cameron and Cargill.

[2] For fear of being murdered for the information. The enclosure is not found among the Queensberry Papers. Patrick Vernor, or Warner, was a noted firebrand. Of course he is glorified by Wodrow, who gives a long account of his examination before the Privy Council. But the particulars of his history, which the martyrologist records as saintly merits, completely justify the report and caution from Claverhouse. He was a nonconforming preacher. The year after the insurrection of Pentland, says Wodrow, "he preached sometimes with *Mr John Welsh*, and sometimes with others *in the fields*, as Providence opened a door, and sometimes with the Presbyterian ministers who were *indulged*: During the whole summer 1677, or 1678, *he and Mr Welsh* frequently preached together *in Galloway, Carrick*, and other places: Thus he continued till the defeat at Bothwell, which day he was *preaching to a large meeting in Galloway*, and wanted not *impressions* of the disaster

Digitized by Google

Claverhouse to Queensberry.

"STRANRAER, *March the* 13*th*, 1682.

"MY LORD:—I am sorry that there comes such alarms from the West. I can hardly believe that things are come that length yet. I am sure there is not the least appearance here as yet; and if anything give them courage, it will be the retiring of the forces.[1] I think it is very just we should be *on our guard*, and I am resolved to keep closer, though I should lose the moveables, and take few prisoners. I am just beginning to send out many parties, finding the rebels become secure, and the country so quiet in all appearance. I sent out a party with my [*brothr. Dave?*] three nights ago. The first night he took *Drumbui*[2] and one *Inkclellan*, and that great villain *M'Clorg*, the smith at Minnigaff that made all the *clikys*,[3] and after whom the forces have trotted so often. It cost me both pains and money to know how to find him; I am resolved to hang him; for it is necessary I make some example of severity, least rebellion be thought *cheap* here. There cannot be alive

befallen the west country army, though he could have *no accounts of it.*" A supernatural "impression" of the defeat at Bothwell was not so likely to hang him as his actual experience by personal appearance there would have been. He was mercifully dealt with by the Privy Council; and, in respect of a petition, "wherein the petitioner *offers to take banishment on him*," he is liberated on caution to depart in fifteen days. Those interested to know more particularly how this ranting rebel escaped the gallows, may consult Wodrow, *ad an.* 1682. Queensberry had written on the back of the letter in which Claverhouse mentions Warner, "To be shewn to the Duke" of York.

[1] It would seem to have been proposed that the single troop of cavalry under Claverhouse in the south should be withdrawn, or retire, in case of being cut off or defeated by a great rising of the rebels in that quarter. The old General deemed Claverhouse rash, and had not forgiven him for Drumclog. Our hero, however, considered the alarm exaggerated, and adds, that at any rate, "though all Galloway should rise," he would find his way through them.

[2] Alexander Maghie, or M'Kie of Drumbuy. He had been outlawed in 1679. He was tried under a libel for high treason, with about a dozen other Galloway heritors (who did not appear), in the month of December 1682, all of whom were condemned to be hanged. "However," says Wodrow, "*Sovereign Providence* appointed otherwise, and *I think none of them were executed.*" (Hist. iii. 414). But had the *Sovereign's mercy* nothing to do with it? Drumbuy, and John Gordon, younger of Barharrow, and several others, under *safe-conduct* from Claverhouse, petitioned the Privy Council for mercy, and cried *peccavi* most lustily: "The Council (14th December 1682), being moved with compassion towards them, allowed them their desire to take the Test, as an instance of their sincerity, and have recommended them to his Majesty for his gracious pardon for their lives."—*Privy Council Register.*

[3] Probably cleeks; a crooked knife at the end of a pike, wherewith to cut the cavalry bridles.

Digitized by Google

a more wicked fellow.[1] The party is not yet come back, which makes me in hopes more are taken. I am to meet to-morrow with all the heritors of this shire, to see how they are inclined as to bringing their people to church, and securing the peace of the country, that I may be *favourable to them*. I find it no hard work to conform this shire, had I but time enough. But I beg your Lordship to believe there is no fear of this party; for though all Galloway should rise I would find a way to get by them. Now, when your Lordship is to see the King, and that the state of this country is to be considered, it were necessary to let him know that we have not forces enough for all the work we have. It were no great business for the King to send as much money as would maintain five or six hundred more dragoons, and in two or three years this country, I am sure, would be brought to forget all their follies.

"I know I need not recommend to your Lordship to do me good offices about the King and Duke. Only, remember it is enabling to do you service one who is sincerely, my Lord, your Lordship's most humble and faithful servant,

"J. GRAHAME."

Soon after the date of this letter, we find Claverhouse in Edinburgh, to which he had escorted some prisoners, the most important of whom was Robert M'Lellan of Barscob.

Claverhouse to Queensberry.

"EDINBURGH, *March the 25th*, 1682.

"MY LORD:—I have taken the occasion to come hither with *Barscob*, and other prisoners, that I might give account to the General,

[1] After all this threatening, Claverhouse did not exercise his Justiciary commission, either in trying or hanging M'Clorg. John M'Clurg is mentioned in a treasonable letter written by Robert Gray, who *testified* in the Grassmarket 19th May 1682, which letter is quoted in his indictment. He there says: "As anent *Barscob* and *Major Learmonth*, they got their sentence on Friday last, to die on the 28th of this instant, and *Hugh Meiklewraith* and *Robert Fleming* got their sentence on that day too, and should have died on this Wednesday last, but they have got a remission to the 28th day, and it is reported that *Barscob* and the rest have offered to take the test, and they have sent up to the tyrant (Charles II.) on that account to save their lives; and as for *John M'Clury* and R. N., there is no word yet what they will do with them. I shall give you an account afterwards."—*Cloud of Witnesses*, p. 165. This, doubtless, is the same man; but it would seem that he had subsequently made his escape, an event not unlikely considering his vocation. In the list of *fugitive outlaws* published by Government, May 5th, 1684, (printed in Wodrow's History, iv. 22), occurs the name of John M'Clurg, *smith in Minnigaff*.

Digitized by Google

and those of the Government, of my proceedings.[1] For I *begood*[2] to apprehend that in your Lordship's absence some people might take the occasion to misrepresent me. I have informed them fully of all my measures, and I am so happy as that they all seem satisfied, and *particularly the General.* How long it will be so, God knows.

"I was very sorry at my arrival here to find your Lordship's brother, the Colonel, engaged in an unlucky business; but am extremely pleased that he is now come off so much to his honour. I shall not give your Lordship the trouble of particulars; but I must say that I was ashamed to see how unkind people were to him.[3]

"I have brought in your man Wilson, who is a great villain, and shall be kept till your Lordship's return.

"My Lord, believe nothing of any alarms you may get of risings; for I dare swear there is no design, and the whigs were never lower.

"I must beg of your Lordship the favour to do me what good offices you can with the King and Duke, in doing of which your Lordship will enable for your service one who is entirely yours.

"My Lord, your Lordship's most humble and faithful servant,

J. GRAHAME."

Our hero had not remained long in Edinburgh, as his next dispatch is dated from Kirkcudbright, just a week after the last letter.

Claverhouse to Queensberry.

"KIRKCUDBRIGHT, *April the* 1*st*, 1682.

"MY LORD:—I am very happy in this business of this country, and I hope the Duke will have no reason to blame your Lordship for ad-

[1] The manner of Barscob's capture is narrated by Law: "March 1682, Barscobe, who was at Pentland Hills and Bothwell fight, was taken on a Sabbath morning; the occasion of it was this: A Cornet, of the name of Grahame, in Claver'se's troop, who was then lying in these bounds, where the said Barscobe was living, going to see an aunt of his with three or four troopers with him, passes the way of his house: The said Barscobe observing their coming, supposed they were coming to search his house and to apprehend him as they did Learmont, goes out of his house, and runs to a wood near by, with other two with him that were upon their keeping. This cornet observing them run into the wood, suspects them to be guilty persons, and follows them and apprehends them. Barscobe being taken before the Council, acknowledges his guilt, and that he was misled in his late actions."—*Memorials*, p. 222.

[2] Begouth, begoude, or begoud, the old Scotch for *began*.

[3] Fountainhall has no notice of this event; nor have we found it elsewhere

Digitized by Google

vising him to send the forces hither. For this country now is in perfect peace; all who were in the rebellion are either seized, gone out of the country, or treating their peace; and they have already so conformed, as to going to the Church, that it is beyond my expectation. In Dumfries, not only almost all the men are come, but the *women* have given obedience; and *Irongray*, Welsh's own parish, have for the most part conformed; and so it is over all the country. So that, if I be suffered to stay any time here, I do expect to see this the best settled part of the Kingdom on this side the Tay. And if those dragoons were fixed which I wrote your Lordship about, I might promise for the continuance of it. Your Lordship's friends here are very assisting to me in all this work; and it does not contribute a little to the progress of it, that the world knows I have your Lordship's countenance in what I do. All this is done *without having received a farthing money, either in Nithsdale, Annandale, or Kirkcudbright; or imprisoned anybody.*[1] But, in end, there will be need to make examples of the stubborn that *will not comply.* Nor will there be any danger in this after we have gained the great body of the people; to whom I am become *acceptable enough;* having *passed all bygones*, upon bonds of regular carriage hereafter. Your Deputes were like to have taken measures that were not so secure, nor *acceptable.* But I have diverted them, and they are to take the course I do; and I have prevented all other jurisdictions by *attaching first.*

"My Lord, we hear noise here of an *Indulgence.* I hope nobody is so mad as to advise it. But my Lord Tweeddale could not go up, but it would be thought an Indulgence would come down with him.[2] The more I consider the business of this country, the more [I] see how ill

[1] It is clear, then, that he had *hanged* no one; and may we not venture to add, *tortured no boys?* By his own account, he afterwards occasionally imprisoned a few until fines were paid, or obedience tendered.

[2] Kirkton, referring to the events after the insurrection of Pentland, says,—"So at length Tweeddale, at that time in great favour with the King and friendship with Lauderdale, made a voyage for Court, and brought down with him the first letter of Indulgence."—*Hist.* p. 288. But the King came to a juster estimate of the principles of Tweeddale, and upon one occasion all but kicked him out of the closet. See before, vol. i. p. 372, Rothes's Letter to Queensberry, in which he so dramatically narrates the scene between Charles II. and Tweeddale in 1678. Kirkton praises him as one "who was never cruel, nor *an enemy to godly men*," (p. 276). But that cruel creature, Charles Kirkpatrick Sharpe, shattered Tweeddale's *Covenanting* character for ever, by producing a letter from him, dated "Yester, 22d May 1668," to the Earl of Linlithgow, in which he says,—"If there be not some of these turbulent people catched, all is in vain; when they are chased out of one place they will flie

Digitized by Google

the King has been served.[1] My Lord, you have now the occasion to put things in the right channel, and I am persuaded you will make use of it.

Barscobe is *very penitent*, and offers, if he could get a remission, he would be active and useful to me in the business of the *Glenkens*. A word to the King or Duke would do the business; but in this do what your Lordship thinks fit.

I have *Stenhouse*[2] with me, and we are about your brother the Colonel's business. I can find nothing almost of the *moveables*;[3] for I am unwilling to divide in small parties; and, besides, *I prefer the settling of the country*. I shall not trouble your Lordship with particulars, because I know you are taken up now with other things. So, I am, my Lord, your Lordship's humble and faithful servant,

"J. GRAHAME."

"Since the writing of this, I have been at church, where there was not ten men, and not above thirty women, wanting, of all the town. Where there used to be ten, I saw *six or seven hundred*; and amongst others there was one *Gordon of Barharow*,—to whom, being a rebel heritor, I had given *safe-conduct* to come and treat his peace,—appeared in testimony of his sincere conversion.[4]

"*Claverhouse to Queensberry.*

"MOFFAT, *April the 17th*, 1682.

"MY LORD:—All things are here as I would wish, in perfect peace and very regular. *Barharow* has assurance of his peace from the Council. *Bar* has given me a declaration under his hand as full as I could desire it. I have spoke with a brother of Sir Robert Maxwell's who was out; and *Littlepark*,[5] and *Glenkaird*,[6] are in terms with me;

to another; *for God's sake*, therefore, endeavour by all means possible to learn where they haunt, and whither they are gone; and I suppose your command is not confined within the shires of Clydesdale and Ayr; but you may send parties to catch them where they can be had, were it *a hundred miles off*; especially that Mr Michael Bruce," &c.—*Notes to Kirkton's History*, p. 227.

[1] In reference to the timidity, supineness, or disaffection of the local authorities, whom Claverhouse was commissioned to supersede.

[2] Douglass of Stenhouse, which Claverhouse always writes *Stenes*.

[3] The escheats of the rebel outlaws.

[4] John Gordon of Barharrow, younger. See before, p. 270, *note*.

[5] Heron of Littlepark, outlawed in 1679.

[6] Anthony M'Kie of Cloncaird.

Digitized by Google

and several others of less note. I must say I never saw people go from one extremity to another more cavalierly than this people does. We are now come to read lists every Sunday after sermon, of men and women, and we find few absent. Mr Alexander does very well at Dumfries; but I have heard that the shire does not conform so well; and I have heard the ministers complain of the bailies of your Lordship's regality. What ground there is for it, I cannot tell. I told *Stenhouse*, and offered troops to bring the people in awe. I have examined every man in the shire, and almost all the Stewartry of Galloway, and fixed such a guilt upon them that they are absolutely in the King's reverence; and I shall give them no discharge, would they give me *millions*, till I have bond from them for their regular carriage, and maintenance for those dragoons, if the King think fit to raise them. And if I do this, I think it is not ill use of that commission. Did the King and the Duke know what those rebellious villains, they call *ministers*, put in the heads of the people, they would think it necessary to keep them out. The poor people about Minnigaff confess, *upon oath*, that they were made renew the Covenant, and believe the King was a papist, and that he designed to force it on them. But I shall tell your Lordship more of this when the Duke comes down. I am, my Lord, your Lordship's most humble and most faithful servant,

"J. GRAHAME."

Having thus, for a time, totally demolished the field Conventicles in that quarter, however he may have benefited the parish kirk, our hero returned to Edinburgh, literally to give an account of his stewardship. Wodrow says,—"May 15th 1682, Claverhouse gets the Council's thanks for his diligence in executing his commission in Galloway;" which diligence, according to this fanatic, was one unmitigated progress of the most lawless and savage cruelty. Whether Wodrow had found any details of his report on the subject to Government, we know not. He appears, as already noted, to have obtained access to some records of the Privy Council of Scotland between August 1678 and August 1682, which are not now to be found in the Register House, and we cannot help surmising that wherever he had discovered the fact, that Claverhouse was thanked by the Privy Council on the 15th of May 1682, he must, at the same time, have obtained some knowledge of the merciful and temperate, but firm determination to do his

Digitized by Google

duty, which had obtained for him that high distinction. Be this as it may, the martyrologist is silent on the subject. It was the essence of his plan to malign the loyal at all hazards. Fortunately, however, Claverhouse had written out with his own hand, the substance of a report, which he seems to have delivered in person before a committee of the Council. A copy of his original note is now before us, carefully transcribed by an illustrious hand yet scarcely cold in the grave, the hand of its noble possessor,—"The travelled Thane, Athenian Aberdeen." The note itself appears to have been sent by Claverhouse to the Lord Chancellor Gordon, first Earl of Aberdeen, among whose family papers it is still preserved. It will be seen that his previous letters to Queensberry contains the same statements, in nearly the same words.

"*Found among Lord Aberdeen's papers; without signature or address, but in the handwriting of Graham of Claverhouse.*" [1]

"Claverhouse being called before the Committee of Council, gave this account of the affairs of Galloway:—

"That there was no need to tell them what was the state of it before he went thither, seeing the Government had looked on it, for many months before, as almost in a state of war, and it was thought unsafe for anything less than an army to venture into it: And, at his arrival there, he knew not what to say of it; finding above three or four hundred people actually guilty of the late rebellion, who, notwithstanding, had lived these three years bypast almost in perfect freedom; and possessed, in despite of authority, betwixt thirty and forty thousand merks a year; and that, besides those, there were many hundred more guilty of reset, and communing with rebels, who were *all on wing*. The churches were quite deserted,—no honest man, no minister in safety:—

"The first work he did, was to provide magazines of corn and straw in every part of the country, that he might with conveniency go with the whole party wherever the King's service required; and, running

[1] We have not seen this interesting document; but the punctilious accuracy of the noble Earl, who had transcribed it with great care, seems a sufficient guarantee for the fact he states, that it is all in the handwriting of Claverhouse; from whom there are autograph letters signed, in the same collection.

Digitized by Google

from one place to another, nobody could know where to surprise him; and in the mean time quartered on *the rebels*, and endeavoured to destroy them by eating up their provisions; but that they quickly perceived the design, and sowed their corns on untilled ground. After which he fell in search of the rebels; played them hotly with parties; so that there were several taken, many fled the country, and all were dung from their haunts; and then rifled so their houses, ruined their goods, and imprisoned their servants, that their wives and children were brought to starving; which forced them to have recourse to the *safe-conduct;* and made them glad to renounce their principles, declare Bothwell Bridge an unlawful rebellion, swear never to rise in arms against the King, his heirs and successors, or any having commission or authority from him, upon any pretext whatsomever, and promise to live orderly hereafter; and that all the heritors almost, except *Earlstoun*, and two or three more that were not in the country, had actually signed a bond much to that purpose; and that it was his opinion that the most part of them might be brought to take the Test; seeing they and their families go in the meantime to the church, without any further assurance from him but that he should *plead for them:*—

"Then he gave account, that almost all the *little people* had made application to him, but that he had refused them safe-conduct, but promised he should represent their case to his Highness at his return, and doubted not but there would be some way allowed to secure them of their lives and liberties; and declared to the Committee it was absolutely necessary for settling the country; and doubted they could be brought to take the Test by cause of their ignorance, but easily to something *equivalent;* for amongst all the prisoners he made, he found none that was ambitious of the honour of martyrdom; but all renounced their principles before they would give testimony; save only one, upon whom was found *Gray's letter*, and is now coming hither by order of Council; and that even he acknowledged the King's authority in civil [matters]; so that he had no occasion to make use of the commission of justiciary, but *set them always at liberty upon sufficient caution to appear when called*, and that by advice of the Lord Advocate.

"Then he gave the Committee account, how that he assisted the *donators* to take possession of their estates, and forced the tenants to take tacks of the King, or his donators, in all the forfeited estates. Withal it was his opinion, that it was not fit any of these estates should be sold to the rebel's friends, at least for their use, till they make their peace, or be dead.

"After he had brought the rebels to this pass, he concluded there

Digitized by Google

could be no *sudden design of rising:* And seeing people who had lost their fortunes, and ventured their lives for that quarrel, had not only given obedience but were brought to conformity, he judged there could be no danger to endeavour, by *discreet measures*, to bring the whole body of the people to the church, which was the *second* part of his commission.

"And in order to this, the first thing he did, lest the people should take too hotly the alarm, was to go along all the country, and calling them by three or four parishes together, to read his commission, and libel against them; and after, assure them that notwithstanding of all they might know themselves guilty of, by the breach of those laws, they needed not to be apprehensive if they had a mind to give obedience; that the King had no desire to ruin them; *nor he to enrich himself*,[1] but only was positively resolved to bring them to conformity; and if there were severe things done, they might blame themselves. After which, for their encouragement, he caused publish a paper at all the parish churches, to this purpose, that all, under heritors, that were not guilty of reset, or communing with rebels or intercommuned persons, or of field Conventicles, or insulting the regular clergy, should be free of all bygones, if they would go to church. And, finding that the most part were guilty of field Conventicles, he thought fit to give a *second* intimation, that even those might find favour. And, in end, finding how good effects this had produced, he assured them, that *whatever their guilt was*, if they gave obedience they needed fear no great severity; and in the meantime, he set up Deputes in every part of the country, with power to examine upon oath; which they did man by man; and to mark their depositions; and orders to acquaint them, that if within many days they gave not obedience they would be used with the utmost severity of the law. And who remained obstinate, *especially heritors*, he punished severely by laying them in prison till they should find sufficient caution for the payment of their fine; but upon offer of obedience, he accepted always of a bond for a *blank sum*, and filled up may be the *twentieth part*, to show them it might all be money, and then discharged them for so much, leaving the rest over their head for security for their good carriage. And making some examples of this of *the first gentry of the country*, the rest did not put him to the trouble, giving *timeous obedience.*

"These measures brought things to that pass, that it could not be known in most parts who were absent: Whereupon he ordered the collectors of every parish to bring in exact rolls upon oath, and attested by

[1] That is, Nor *Claverhouse* to enrich himself. See before, p. 266, his letter to Queensberry, where the same sentiment occurs,—"Nor *I* to enrich *myself*."

Digitized by Google

the ministers, and caused read them every Sunday after the first sermon, and mark the absents, who were severely punished if *obstinate*. And wherever he heard of a parish that was considerably behind, he went thither on Saturday, having acquainted them to meet, and assured them that he would be present at sermon; and whoever was absent on Sunday, was punished on Monday; and who would not appear either at church or court, he caused arrest their goods, and then offer them *safe-conduct*, which brought in many, and will bring in all; and actually brought in *two outed disorderly ministers;* the one was glad (for to get the arrestment loosed), to find caution *never to set his foot* within that jurisdiction, while he had any interest, and was fined in *something to the poor;* and the other goes to church, and promised never to preach or baptize more in that country.

"And it may now be safely said, that Galloway is not only as *peaceable*, but as *regular* as any part of the country on this side Tay; and the rebels are reduced *without blood;* and the country brought to obedience, and conformity to the church-government, *without severity or extortion;* few heritors being fined, and that but gently; and *under* that, none is or are to be fined but two or three in a parish; and the authority of the church is restored in that country; and the *ministers in safety*. If there were bonds once taken of them for regularity hereafter, and some few men put in garrison, which may all be done in a few months, that country may be secure for a long time, both to King and Church." [1]

[1] From a transcript in the handwriting of that great and good statesman, whom we grieve now to design the late Lord Aberdeen. The transcript is within a cover addressed to the late Lord Justice Clerk Hope, when Solicitor-General. The frank bears date, November 2d 1826. This date is just two months subsequent to the publication of *Dundee's Letters*, edited for the Bannatyne Club by Mr George Smythe; and consequently the document is not to be found in that valuable collection. But manifestly Mr Smythe's volume had occasioned the laborious transcript made by Lord Aberdeen, and sent for his use to their mutual friend Solicitor-General Hope. For this interesting transcript, the author of these pages is indebted to the present Mr Smythe of Methven, who kindly bestowed upon him what remained unprinted of his brother's collections on the subject.

The author had also the advantage of collating the transcript with a print of the same document in the collection called the Aberdeen Papers, so ably edited for the Spalding Club, in 1851, by the late Mr John Dunn. The print agrees (saving one misreading) in all respects with the transcript by Lord Aberdeen, except that it bears an address, "For the Earle of Aberdeen, Lord High Chancellour of Scotland;" whereas the late Earl's transcript says that the paper is "without signature or *address*." If the print be accurate in this respect, and the address be also in the handwriting of Claverhouse, he must have transmitted it of a date subsequent to 30th November

Digitized by Google

Here we have, under his own hand, the length, breadth, and depth, of the cruel dispositions and conduct of "Bloody Clavers." Killiecrankie was a great thing in its way. But to lead captivity captive a host of Conventiclers; suddenly to eat the wind out of the sails of the hill ranters; to draw Israel from her tents into a parish church,—six or seven hundred flocking to him in a place of worship, where erst might only be seen the sad and widowed bridegroom of the "Bride of Lammermuir," listening to the elegiac drone of worthy Andrew Symson,—this was a greater achievement. He appears to have been perfectly astonished at his own success, and not a little proud of it. "Not only almost all the men are come, but *the women* have given obedience:—I never saw people go from one extremity to another more *cavalierly* than this people:—We are now come to read lists every Sunday after sermon, of men and *women*, and we find few absent:—To the great body of *the people* I am become acceptable enough"! He was remarkably handsome. Since Mas John King,—described as "a braw, muckle carle, with a white hat on him, and a great bob of ribbons on the cock o't,"—was hanged, no hill preacher could compete with him, for ocular attraction to our suffering sisters. The "cock-ups" would be higher than they were on the hill; and there would be more sorting than *riving* of "mutches and bigonets," by the elder hand-maids of heaven, our suffering mothers. There was little of *persecution* in all this. We believe, especially as regards the females, that a greater sense of frolic than fear pervaded these Claver's congregations. The reading of the lists after sermon must have been rare sport; to all but the parson, who could not fail to feel rather foolish, being totally eclipsed. A young dragoon officer, the very pink of fashion, in the picturesque panoply of the Life Guards of Charles the Second, with a face and figure for Lely to paint and ladies to look on, taking note of all the

1682, that being the date of Sir George Gordon's elevation to an Earldom. One important misreading, however, occurs in the print, but *not* in Lord Aberdeen's transcript; "Nor *he* (meaning Claverhouse) to enrich himself," is printed,—"nor *yet* to enrich himself," as if *the King* were meant. Claverhouse's previous letter to Queensberry settles which is the proper reading. Nor is the difference immaterial; for the sentiment meets, by anticipation, Lord Macaulay's calumny,—"*rapacious* and profane."

Digitized by Google

head-gear in the kirk, marking the various inflections of voice in answer to the roll-call,—who, that had a ribbon to her cap, it having been announced on Saturday that such was in the bill for the next Sabbath's entertainment,—would have missed being there? How the Lady of Methven, the *Sévigne* of the Conventicle troubles, would have enjoyed and described the scene!

> "And some young plants of grace, they look'd couthie and slee,
> Thinking—luck to your bonnet, my bonny Dundee."

But, however suitable for the house of Commons, we have no disposition to admire this whipping in for the house of God. If it were to be regarded as a mode of promoting Christian worship, nothing more degrading and desecrating can be figured. All must echo the moral sentiment of the whig laird and lawyer, Fountainhall,—"compelled prayers are not worth, force but making hypocrites, and the church like a prison-house." But the truth is, the Conventicle preachers had disorganised Christian worship in that quarter altogether. Claverhouse's dragooning tactics must be judged of in connection with all the circumstances that occasioned his mission. Absence from armed Conventicles, truly, was the question, rather than presence in the kirk. The safety of the minister, not his doctrine, had to be established. The murder of an Archbishop and Privy Councillor was the recent fruit of *Conventicle* worship. There was not the slightest exaggeration in the Council's letter to the King, 22d November 1680, when they stated, "that Mr Donald Cargill had, to the great astonishment of all honest men, proceeded to the excommunication of your sacred Majesty, your royal brother, and some of your servants, and continued to preach that horrid principle, of the lawfulness of *assassinating* those that differed from them in their covenant, and principles;" and that, "Archibald Stuart, one of their number, did freely discover their design of killing all that were opposite to them, particularly the Judges and Bishops, and condescended upon some particular ministers and others." This was the condition of the Christian community which called for, in the first instance, a pastor such as Claverhouse, to save the flock from the wolves, if by any means he could.

Digitized by Google

But he was mistaken in supposing his mission accomplished. The Privy Council approved too highly of his method to be inclined to spare him.[1] He had hastened to Edinburgh to meet the Duke of York, who returned from London, with his new Chancellor, George Gordon of Haddo, early in May, when both so nearly perished, by the shipwreck of the *Gloucester* at Yarmouth, on the 5th of that month; a peril yet greater and more tragical than Claverhouse encountered in the *Blessing*. Now commenced his high favour with the unfortunate Prince whose fortunes he never forsook, nor ever disgraced his favour. A military visitation of the shires of Lanark and Ayr was decreed by the Council on the 20th of May, under the sterner auspices of General Dalyell himself; who probably would "be mad," (as Claverhouse was wont to say) to find the defeated of Drumclog figuring in his instructions, as a sort of assessor to him in that important mission. The 10th and 11th heads of those orders to the Commander-in-chief run thus:—

"Upon Tuesday come se'en-night, you are to repair to the town of Ayr, and there to meet with the Earl of Dumfries, and the Commissioners of that shire, where *the laird of Claverhouse is to be present with you*, and there to confer with them anent the security of that shire, and you are to follow the rest of the instructions above set down, as to Lanark.

"After you have taken all the pains and care you can, for the discovery of the present condition of that shire, and considered of the proposals offered by the gentlemen, you are to return back to the shire of Lanark, *and the laird of Claverhouse with you*, and there to consider what further is necessary to be done, as to the settling of the peace of both these shires; and, upon the whole matter, *you and Claverhouse* are to come in with all possible diligence, and give an account to the Lord Chancellor of your procedure, to be communicated to his Majesty's Privy Council."

The result of this last mission was, that the Duke of Hamilton, brought to his own bearings, and good behaviour, is *complimented* by the Privy Council, on the 9th of June, for

[1] The Lord Clerk Register, Mackenzie, writing to Queensberry, 15th April 1682, says, "The condemned men's *disowning their principles*, puts the fanatics much out of countenance. I have sent some papers, which I had from *Clavers*, to his Royal Highness, which will show *how well you judged him fit for that employment*. wish that thoughts of removing him be dashed."—*Queensberry Papers*.

Digitized by Google

his activity in bringing his people to their duty, and inducing fugitive rebels to forsake the Conventicles, and come, under his Grace's *safe-conducts*, to petition for his Majesty's mercy.

No sooner is this accomplished, however, than our hero is again dispatched to his own kingdom of Galloway, where his troop had been left; but, travelling, it would seem, without an escort, he had very nearly been caught by a division of the "army of God;" who, had he fallen into their hands, would have prevented the trumpet of Fame from ever sounding the name of Killiecrankie on the breezes of Athole. They had information of his movements, but missed him by a day, as he was detained longer in Edinburgh than he intended. On the 27th of June 1682, Queensberry thus writes from Sanquhar to the Chancellor in Edinburgh: "Matters here, and in Galloway, look very well, without the least appearance of trouble: But, for all that, the forces must not be removed, for reasons your Lordship shall know at meeting. I doubt not but your Lordship has full account of *Clavers'* rencounter at *the Bile*. It was good he did not come *a day sooner;* for certainly their design was against him." The following letter from Claverhouse himself conveyed the intelligence to Queensberry, who had just been gifted with the white staff, the Treasury being taken out of commission in favour of the Marquis, now Prime Minister for Scotland.

"*Claverhouse to Queensberry.*

"DUMFRIES, *June the* 17*th*, 1682.

"MY LORD:—I thought to have waited on your Lordship before this, but I was stayed at Edinburgh two days beyond what I designed, which has proved favourable *for me*. Yesterday, when I came at the *Bille*, I was certainly informed that several parties of whigs in arms, to the number of six or seven score, were gone from thence but six hours before. They came from Clydesdale upon Monday night, and passed Tweed at the Bille, going towards Teviotdale, but went not above three miles farther that way. They stayed thereabout, divided in small parties, most all on foot, Tuesday, Wednesday, and Thursday, till Friday morning, when they passed the hills towards Clydesdale. Some say they had a meeting with Teviotdale folks; others would make me believe that they *had a mind for me*. They did ask, in several places,

Digitized by Google

what they heard of me, and told they were sure my troop was far in, in Galloway. Others say they were flying the West for fear of the diligence the gentry is designed to use for their discovery. I could believe this, were they not *returned*. I spoke with the minister, and several other people in whose houses they were; but he kept out of the way. They did no prejudice in his house, further than meat and drink. They gave nowhere that I could learn, any account of their design there; only, I heard they said they were *seeking the enemies of God*, and enquired roughly if anybody there *kept the Church*. The country keeps up this business. I heard nothing of it till I was within two miles of the Bille, and that was from a gentleman on the road, who had heard it at a burial the day before. There was a dragoon all Tuesday night at the change-house at the Bille, and the master of the house confessed to me he let him know nothing of it. They pretend it is for fear of bringing trouble to the country. I sent from the Bille an express to acquaint my Lord Chancellor with it; for I thought it fit the quarters should be advertised not to be too secure, when these rogues had the impudence to go about so. If your Lordship be at home on Monday, or let me know where you will be, I will have the honour to wait on you. I am, my Lord, your Lordship's faithful and humble servant,

"J. GRAHAME."

Thus was the conventicle system kept down, and the public peace preserved, in the districts committed to the charge of Claverhouse, during the year 1682. Queensberry, in a letter to the Chancellor, dated from his castle of Sanquhar, 28th August 1682, says, "All here continue very peaceable, as *Cleveres* will give your Lordship account; and since he'll inform your Lordship so fully in everything relating to Galloway and this country, I need not repeat."[1] In that same month of August, however, Sir John Dalrymple, younger, of Stair, commenced a most factious, violent, and ungentlemanly resistance, to the Sheriff-court powers with which the Privy Council had invested Claverhouse, the history and issue of which must be illustrated in a separate section.

[1] Aberdeen Papers.

Digitized by Google

SECTION VI.—*Sir John Dalrymple's Campaign against Claverhouse, how it came about, and how it ended.*

THE commission to Claverhouse, as Sheriff-principal of Wigton, combined with a special commission of Justiciary, and his occupation of Galloway with the King's forces, was a terrible thorn in the side of the family of Stair, or Stairs. Sir James Dalrymple was a considerable proprietor in the district, and his son, the notorious Sir John, was heritable Bailie of the regality of Glenluce, of which the Bishop of Galloway was Lord. From the commencement of his mission, Claverhouse had his eye upon this plotting and cunning family. There can be no doubt that the various allusions in his dispatches to the necessity of making some example among the rich and influential, rather than the misguided people, and particularly that paragraph, occurring in his dispatch from Wigton, 5th March 1682,—"Here in the shire I find the lairds all following the example of a *late* great man, and still a considerable heritor here among them, which is, to live regularly themselves, but have their houses *constant haunts* of rebels and intercommuned persons, and have their children baptized by the same, and then *lay all the blame on their wives*, condemning them, and swearing they cannot help what is done in their absence,"—pointed directly at the recently deposed President, and his son.

Sir James Dalrymple's finessing and cunning failed to save him. It is trite history, how he cooked the Test Act so as to suit the democracy of Scotland, and then shunned tasting the pie he had poisoned, but which his son swallowed. He tried another trick. While the Duke of York was presiding in Scotland, and a rule in force that no statesman should go to Court without express permission from his Highness and the Privy Council, he chose to steal a march to cajole the King in London. This was in the month of October 1681, immediately before his deprivation. Charles refused to see him, and he was ordered to return to Scotland. He was then advised to pay his respects to the Duke in Edinburgh, as will be seen from the following letter:—

Digitized by Google

Sir James Dalrymple to Queensberry.

"STAIR, *February* 15, 1682.

"MY LORD:—I find myself still more and more obliged to your Lordship's kindness, by the account I have from my son. I have long and still more firmly resolved that I and mine shall to our power be serviceable to your Lordship and your noble family, to which we have the honour to be related. My son showed me your Lordship thought it would be fit I should wait upon the Duke. If your Lordship find it is his Highness's inclination, I shall not fail in it; but the beginning of April, or end of March will be fittest time. I have been so long from my affairs, that it requires a considerable time to put them in order. I have not been a month here these two last years. I am to be back in Galloway in a few days. *Troops are gone in there*,[1] whereof I had no notice that they were to come till I found them in this shire, on their way thither. Provisions is everywhere scarce this year for horses, but *more there than anywhere*," &c. "My Lord, your Lordship's most affectionate and most humble servant,

"JA. DALRYMPLE."[2]

In a subsequent letter, written from his exile at Leyden, 21st November 1684, the ex-President thus alludes to the Kirk-compelling dragoon's ominous visit to him in 1682. "When Claverhouse first came into Galloway, and gave me a visit, before the *pique* between him and my son, he did *very friendly* tell me, *I had need to walk warily*, and desired to know in whose friendship I did repose? I told him that my confidence was in your Lordship, and that I was not conscious that I had given reason of displeasure to any; but I was only apprehensive of the Chancellor, who had been my successor; knowing *successors* are seldom favourable to the *predecessors*."[3] It was after this interview, that Sir James had written the letter to Queensberry, July 1st, 1682, the first portion of which we have already quoted, because of the testimony it affords, both of Stair's estimate of the Conventicle system, and of the

[1] Claverhouse and his troop.

[2] Queensberry Papers. There is more in the letter, but only relating to the private affairs of the Master of Cathcart, married to the ex-President's second daughter. "It is an old family," he says, "and I have done much to preserve it."

[3] Queensberry Papers.

Digitized by Google

conduct of Claverhouse. From that letter it will be seen, that the fears and grievances of this Presbyterian family related entirely to their own interests, and little heritable jurisdiction of Glenluce, without a patriotic sentiment, or an idea of standing for the Covenant, or upholding the hill-preachers, or condemning their dispersion by Claverhouse and his dragoons.[1] The remainder of the letter we may quote here :—

"My Lord, the supply hath been called for out of my lands for Martinmas last. My successor came not in till the first of November, ten days before that term. I will not plead right in it; yet it were of consequence to me more than the value, that it were seen that *authority* is *not unfavourable to me.* Judges who are not deposed, use to get their *quietus est* from their gracious Prince with kindness.[2] He hath not an older judge in his dominions, and I doubt nothing of his favour. Whatever may be conjectured from his late distance, upon my going without leave of his Royal Highness, yet there was some reason in it. I could not move my going, without meeting with *the Test*, and it was not my part to be among the first demurrers, seeing I resolved to retire, and resign all public capacity, that my example needed not stumble any. I never did nor do resolve to propagate my scruples against public resolutions; though many times I have told them privately to those who might make no evil use of them, being in chief trust. I hope your Lordship will pardon this tediousness. I am resolved to say very little to any other; but my confidence is so much in your Lordship, that I will ever use all frankness with you, being determined unchangeably to continue, my Lord, your Lordship's most affectionate and most humble servant,

"JA. DALRYMPLE."

After the lapse of more than a month from the date of the above letters, we find the ex-President still at his house of Carscreoch, in Galloway, and rather seeming to say, that Claverhouse was not so active as he might have been in suppressing disorders in the regality of Glenluce.

[1] See before, p. 34.

[2] If Sir James was not deposed, it was something very like it. He was refused admission at Court, and then omitted in the new commission for the Session, without his own consent, and another put in his place. He would indeed have resigned, but *in favour of his son.*

Digitized by Google

Sir James Dalrymple to Queensberry.

"CARSCREOCH, *August* 8, 1682.

"MY LORD:—Claverhouse came to this parish Saturday last, and upon some *mistake*, went away wtthout doing anything concerning disorders in this regality, but as to six or seven whom he carried prisoners to Stranraer. My son will give your Lordship an account of all that passed, and will take his direction from your Lordship entirely. I have the honour to be *related* to your Lordship, and I and mine are fully determined to serve you and your noble family; and I am fully confident of your favour, and that you will not believe harsh representations of us; but will, by your countenance, discourage any that would discourage the quiet retirement of, my Lord, your Lordship's most faithful, most affectionate, and most humble servant,

"JA. DALRYMPLE."

But Claverhouse was under no mistake. He soon satisfied himself as to the proper example to make among the rich. He had no desire to fine or imprison any one, if he could by other means re-establish law in his Sheriffdom, and restore its peace and security. In his letter to Queensberry of the 1st of April, somewhat too sanguine in its tone, he boasts, that "all this is done without having received a farthing money, either in Nithsdale, Annandale, or Kircudbright, or imprisoned anybody." He adds, however, "but in end there will be need to make examples of the stubborn, that will not comply." Accordingly, the opportunity soon occurred. Some one within the regality of Glenluce, whom Claverhouse characterises as "a person notoriously guilty of resetting and constantly harbouring of rebels and intercommuned persons, and of having accession to, and being (as is supposed) actually at the late rebellion," had fled from justice and been outlawed. His goods, of course, were escheat to the Crown; and Claverhouse, by virtue of his special commission, proceeded to seize them. This touched Sir John Dalrymple, who claimed all casualties and fines of rebels within that jurisdiction as part of his own revenues; a pretension under the circumstances perfectly inadmissible. Sir John (we quote the words of Claverhouse, in his complaint to the Privy Council), "severely expostulated

Digitized by Google

with the complainer, by letter, why he had meddled within his regality in seizing the goods," &c. This little *imperium in imperio* would have paralyzed the royal commission altogether, and the officer invested with it must have returned home in disgrace. Finding the Bailie of regality arrayed against his high commission, and infecting the whole tenantry of that district with a most rebellious spirit, our hero brought the matter at once to issue between them. On the 6th of August 1682, he caused public intimation to be made of a court to be held by himself there, and ordained all within that regality to attend. We shall give the result in his own words:—

"And after the complainer (Claverhouse), resolving not to suffer such disorderly people to pass unpunished, did cause make intimation for a court to be holden by the complainer, ordering all the people within that regality to attend, the said Sir John Dalrymple did not only *deride and laugh* at the said intimation, when it was read *from the pulpit by the minister*, upon the 6th day of August last by past (1682),[1] though it was done conform to instructions from the Secret Council, but also did *forbid* several people to compear, and ordered his regality officer Thomas Bayllie to discharge the rest (from compearing); which the officer did accordingly perform by *a public proclamation* at the church doors, immediately after divine service, discharging all his Majesty's lieges, to the great contempt of authority, to answer to a *Commission of Justiciary;* which orders the people so punctually observed, that when the complainer came to the place, at the time appointed for holding of the said court, *there appeared nobody but Sir John and his father the Lord Stairs;* who, after having endeavoured in vain to persuade the complainer of the legality of their proceedings, and understood from the complainer that he was resolved to force the people to obedience, and by the assistance of the troops under his command to bring them to justice, *offered to bribe the complainer, and give him a sum of money not to meddle with that regality;* which offers being rejected, they formed to themselves other projects for carrying on their designs," &c.[2]

[1] Two days prior, be it observed, to the date of the ex-President's letter to Queensberry, last quoted.

[2] This is a damning fact against both father and son. Nor is it possible to conceive that Claverhouse would have preferred the accusation, had such bribe not been offered to him. "He is not the man," as the Duke of York pronounced, "to say things that are not." Moreover, the fact was not denied, either by Sir John Dalrymple, or by Fountainhall, his counsel, in the record of the proceedings which that

Digitized by Google

Sir John Dalrymple, younger, of Stair, was a practising barrister of great ability and experience, and said to be a powerful and eloquent debater. When we add that he was one of the most unscrupulous and unprincipled men in Scotland, it will be understood that the military Sheriff of Wigton required to exert all his energies, in order to keep his ground against the interested, artful, and virulent opposition of such a man. At the very time the father is writing those meek and cunning letters to the Lord High Treasurer, the son is straining every nerve to defeat the royal commission, and ruin Claverhouse. Their wretched attempt to bribe him having failed, Sir John immediately posted to Edinburgh, where he endeavoured to influence the Government to recal Claverhouse, as one, who, by means of a lawless and tyrannical soldiery, was oppressing the people, and desolating the country. And now the fact that the gallant object of these false representations had wielded the pen a great deal more than the sword, stood him in good stead. For every letter which either old Stairs or young Stairs had written to Queensberry, Claverhouse had written to him and to other organs of Government, ten; and thus his whole policy, and every movement, and incident, from day to day, was known to the Prime Minister, and to all the great officers of State.[1] Sir John Dalrymple's vicious report was seen at once to be false, and he returned greatly crestfallen to his petty regality of Glenluce.

He now determined to try the strength of his own jurisdiction, and summoned a court in Glenluce for the 15th of August. As his sub-officials, bailie and clerk, he appointed

whig lawyer has left. On the contrary, Fountainhall's note of the accusation is more specific than it appears in Claverhouse's bill of complaint, probably in consequence of what came out in the discussion, or upon the proof. He states it thus: "And that he (Sir John Dalrymple), *and his father*, offered him (Claverhouse) a bribe of a *hundred and fifty pounds sterling*, to connive at the *irregularities of his mother the Lady Stairs, her sisters*, and others."—(*Historical Notices*, 14*th December* 1682). The charge, however, is not noticed in the final judgment against Sir John.

[1] The Lord Clerk Register, Sir George Mackenzie of Tarbat, writing to Queensberry, 18th April 1682, says:—"The condemned men's *disowning their principles* puts the fanatics much out of countenance. I have sent some papers, which I had from *Clavers*, to his Royal Highness, which will show *how well you judged him fit for that employment*. I wish that thoughts of removing him be dashed."—*Queensberry Papers.*

Digitized by Google

two of his own creatures, Alexander Bayllie, and John Dunbar, who are described by Claverhouse as being "both guilty of the abominable crimes of resetting and corresponding with rebels, his Majesty's open and declared enemies, and that after sentence was pronounced against them." These officials he did not require even to take the Test. Their proceedings are thus described in Claverhouse's complaint to the Privy Council:—

"And upon the foresaid day (15th August 1682), he (Sir John Dalrymple) and they together, did call before them several persons whom the complainer (Claverhouse), several months before, by their own confession, had found guilty of all fanatical disorders (and by offers of indemnity for bygones, had endeavoured to reclaim, and upon their continued obstinacy was resolved to put the law with all vigour in execution against them), and imposed mock fines upon them, of purpose that he might take them off the complainer's hands, not extending to the *fiftieth*, *sixtieth*, or a *hundredth* part of what by law they ought to have been fined in; of which number was *his mother the Lady Stairs* (though not at the same time), who is now *fled the kingdom with her husband and sisters*, for their former disorders. Thus he employed that jurisdiction of regality for encouraging and supporting of disorders, which was given for the punishment and suppression of them. And not content with this, he further endeavoured, in criminal cases no ways competent to him, to hinder the people to be brought to justice by the complainer; and for that effect took upon him in his regality court to enquire into cases of *treason*, and examine people upon oath if they were guilty of reset of, and communing with rebels; of being at, or having accession to, the late rebellion; that he might give them advice how to save themselves and goods."

The Sheriff of Wigton, and Commissioner of Justiciary in those parts, now, indeed, showed that he would not suffer the Government to be fooled. He fined, and laid by the heels, nearly the whole of Sir John's regality court establishment, except himself; and before the end of the month of August, he was down upon Sir James Dalrymple's factor, and some of his principle tenants with fines amounting to the goodly sum of a thousand pounds sterling; which amount, of course, not being forthcoming, he imprisoned them also. My Lady and her sisters, having no inclination to study the beautiful coun-

Digitized by Google

tenance of that gay dragoon in wrath, had betaken themselves to flight; an example which the ex-President very wisely followed, having arranged with his son, however, to seek redress for themselves, and their myrmidons in limbo, by presenting a bill of suspension to the Privy Council.[1]

That high tribunal showed no disposition to slur over, or brusque the question in favour of their military Sheriff. "The Council," says Fountainhall,—whose whig prepossessions were all in favour of heritable jurisdictions, and of his whig brother advocate, for whom he acted as counsel,—"ordained the tenants to be set at liberty, they first consigning their fines (which were most exorbitant)[2] in their clerk's hands, and reserved the point of jurisdiction, and who had right to them, (they being under the quality of heritors), till November; but in the meantime gave a check and reprimand, that heritable Bailies and Sheriffs, who are negligent themselves in putting the laws in execution, should not offer to compete with the Sheriffs, commissioned and put in by the Council, who executed vigorously the King's laws."[3]

If this was *persecution*, it was not persecution of the poor. The ex-President now changes his tone with regard to Claverhouse's civility, and thus writes from some place of hiding, to the Prime Minister, taking care to say nothing about the *bribe* offered to the Sheriff of Wigton:—

Sir James Dalrymple to Queensberry.

"*September* 15*th*, 1682.

"My Lord:—It was my misfortune you were not at the last Council day. I was so rudely treated by Claverhouse; having fined

[1] The ex-President's character for truthfulness, and ingenuous dealing, did not stand high with any class of his contemporaries. In reference to the rumour of a new *Indulgence* to outed ministers, the Chancellor Rothes says,—"But my Lord St Andrew's did still so hector it, that the President was put to make a speech, and swore he knew nothing of it, *which is a base lie*." See before, vol i. p. 362. See also before, p. 63, the sneer at his mock loyalty, in Law's Memorials.

[2] Laid on, under very special circumstances, to make them feel the force of the jurisdiction they were contemning and attempting to paralyze. Imprisonment was the consequence, as Claverhouse foresaw, until the Privy Council should deal with the matter.

[3] Historical Notices.

Digitized by Google

my factor and tenants in near a thousand pounds sterling; and there was said to be a citation against myself! I thought it time to cause an address to be made to the Council, for saving myself from his trouble, and for suspending the sentences against the tenants, that the Council might put them in the like condition of others of like guilt. The suspension was only granted on consignation, which was equal to denying it; and Claverhouse denied any warrant from him to cite me; and the Council recommended that he should not proceed on the citation which he said his brother might have given me amongst the other heritors of the parish.[1] I found likewise, that Claverhouse did press, and was raising a libel to stage myself, my wife, and my eldest son; and I was dogged by Captain Patrick Graham,[2] when there was a flagrant report of my being seized. Therefore I withdrew till I might know whether these things would be owned, and followed by those in authority. I had his Royal Highness's assurance, by my Lord Hyde, that I might securely live in any place in Scotland I pleased. I do resolve to represent to his Highness this usage. Nothing, for ought I could learn, was mentioned as the grounds of an accusation against me, but that young *Craighlaw*[3] had been harboured in my house a year ago; when it is commonly known that, for a year and more before November last, I was not in Galloway, nor did I ever know or hear of any such thing, till it was *expiscat* by examining all neighbours concerning my family. It is true, *my wife* withdraws from the minister of our parish, which is no new thing; and I did believe not to be disquieted upon things not done, or *allowed* by me, or which I *cannot help*. It is like, great noise will be made of my consciousness to some strange guilt; but I thank God I am conscious of none, but have most loyally and affectionately served the King, and was hopeful to be protected in my age and indisposition, which hath continued near a year. My desire and hope is, your Lordship will entertain no evil impression of me, and will be instrumental that I may have security to live at home and end my days in peace. I know, if I were staged, that my wife withdrawing might be made use of against me, and, therefore, I would not appear till I knew whether these things would be prosecuted against, my Lord, your Lordship's most faithful, most affectionate, and most humble servant,

"JA. DALRYMPLE."[4]

[1] Claverhouse had appointed his brother David to be one of his Sheriff-deputes.
[2] Captain Patrick Graham, younger of Inchbrakie, commanding the town guard.
[3] Gordon of Craichlaw, in Wigtonshire.
[4] Queensberry Papers.

Digitized by Google

Notwithstanding this appeal from the deposed President, the Privy Council were of opinion that Claverhouse had done no more than fulfil, with intelligence and energy, the duty which he had been sent to perform. At their sederunt of 29th September 1682, the Duke of Hamilton presiding, the following letter was addressed to him, at his own suggestion, to counter-check the cabal in Galloway:—

The Privy Council to the Laird of Claverhouse.

"SIR:—We are so well satisfied with your proceedings in the shire of Galloway, that we not only give you hearty thanks, but will be ready to concur, and give you all the encouragement that is necessary. And being informed, that, notwithstanding of the favour you have shown to that people, notwithstanding they were guilty, they begin again to abstain from going to church, we do therefore recommend most seriously to you, that you put the laws *vigorously* in execution against these delinquents, in your precinct. And if any refuse to *furnish the soldiers*, for *payment*, we desire you to take special notice of them, and acquaint us of their names. But, *withal*, we recommend to you, that ye will take pains to see the *country-people paid*, according to the Act of Parliament. Signed in name and by warrant of his Majesty's Privy Council, by your affectionate friend,

"HAMILTON, *I. P. D. Con.*"[1]

On the same day that the Council were thus complimenting and supporting Claverhouse, his opponent was urging his grievances in the following letter to the Lord High Treasurer:—

Sir John Dalrymple to Queensberry.

"CASTLE-KENNEDY, *September* 29, 1682.

"MY LORD:—The injunctions that your Lordship gave Claverhouse

[1] *Privy Council Register.* But this was against the grain with the great man of Clydesdale, who sorely felt that Claverhouse was getting the whip-hand of him, in his lagging and halting loyalty. Sir George Mackenzie, the Advocate, in a letter to the Chancellor of date 30th September 1682, thus writes: "We sent a letter recommending to *Clarrose* to put the laws to execution, and promising to assist him; which *he desired*, because he heard that people were, since Sir John Dalrymple's process, slackening. But Duke Hamilton *scrupled much at it*, till I pressed it, and told him I had seen accounts *which made it necessary*."—Aberdeen Papers.

Digitized by Google

and myself in the Council Chamber, were entirely broken upon his part. He cited the whole Regality, even those that declared to him that they were *fined by me*, and never formerly convened by him. Yet he proceeded, and imposed a thousand pounds sterling of fines on my father's tenants, and committed them prisoners. Though my father had been out of the shire for some time, yet a copy was left at his house that he should compear. And he gave it out, that neither your Lordship, nor my Lord Chancellor, were so frank for him as you ought to be, but there was no Council, and therefore you could not determine him; and he pretended to private instructions, so he might *transgress* your orders.[1] I shall only say, that, as I did from the beginning offer to submit to your Lordship, so I have not acted anything contrary to the injunctions I got in the Council Chamber; and if your orders cannot tie him, it's not I alone that am injured. I did say to my Lord Chancellor, and your Lordship, that if Claverhouse *did not insist against me*, I should *raise no libel against him*, concerning *free quarters*, and the exacting of money from persons that went to church and had lived regularly; nor concerning the *violence done to the members of my Court*.[2] Now I know not what he intends, and I may be taken *tarde*. Therefore I humbly presume, that since I had forborne out of no diffidence to press these points, but submission to your Lordship and the Chancellor's commands, that if he *attack me*, I may have a competent time and warrant to adduce my witnesses. I did likewise propose to your Lordship, that upon any *aryse* (rising), this shire would have given their submission, and thanks to the Government for their favourable usage, and have proposed to cause the whole inhabitants *give bond that they should keep the Kirk*, and live regularly in time coming, if this may be sufficient to secure the peace without forces. My Lord, we are *no so weill posed, that we can go weill though our ropes were taken off*. The dependence of this shire is only upon your Lordship. It's more proper for us to remedy the causes of our trouble, than to complain of it. Therefore, if your Lordship would either signify to this shire what you desire of it, or else stop the ordering of garrisons till the shire may apply from the Michaelmas Court, I am very hopeful we would be ready and willing to give satisfaction frankly. However else, I must acknowledge your Lordship's favour to me. So, I shall not fail to follow your directions in this or what else I can serve your Lord-

[1] Sir John Dalrymple was guilty of falsehoods in this contest which Claverhouse succeeded in thoroughly exposing.

[2] The pretended bailie-depute and clerk, whom Claverhouse had laid by the heels.

Digitized by Google

ship or family. In whatever capacity, I am, my Lord, your Lordship's most humble and obedient servant,

"Jo. Dalrymple."[1]

This notable contest created, of course, a great stir among the big-wigs. On the 2d of October, a few days after the date of the above letter, Sir George Mackenzie, Lord Advocate, writing to the Chancellor, says,—"*Claverose* has *broke a cabal* that was designing in Galloway, to *undertake for the peace of the country*, as *Clydesdale* did. The country is most peaceable; and the shire of Ayr is like to be as peaceable as Angus, and keep the Kirk as well." And upon the 10th of the same month, Sir George Mackenzie of Tarbat, the Lord Clerk Register, also writes to the Chancellor,—"We have little to say from this, all being in peace; only, the business 'twixt *Clevres* and Sir John Dalrymple seems to grow. *I wonder of Sir John's prudence.*"[2] It is not to be supposed that Claverhouse had carried matters with so high a hand against parties of such importance, and so able withal, as the family of Stair, without having a mighty strong case at the back of it, against the heritable Bailie of Glenluce. But it required all his energies to meet this storm. He had not only to encounter the unscrupulous plausibility and talents of the Bailie himself, but the most powerful lawyer and pleader in the profession, Sir George

[1] Queensberry Papers.

[2] *Aberdeen Papers.* At this time Claverhouse had returned to Galloway, as appears by the following letter (quoted in the *History of Galloway*, 1841, vol. ii. p. 244), in which he shows very determined to have the House of Kenmure for a garrison. He is writing to the Viscount Kenmure, of whom see what he says before, p. 259.

"Newton [of Galloway] *the 21st of October* 1682.

"My Lord:—It is a good time since the last Chancellor wrote to your Lordship, by order of Council, to make redd and void your house of Kenmure, for to receive a garrison; and when I came into this country some months ago, it was then in debate whether or not the garrison should enter; but it was put off at my Lord Treasurer's desire, and my undertaking to secure the country from rebels without it. But this summer the Council thought fit to give me new orders about it. Wherefore, my Lord, I expect your Lordship will remove what you think fit not to leave there, for the garrison must be in by the first of November. I expect your Lordship's answer, and am, my Lord, your most humble servant,

"J. Grahame."

"*For the Viscount Kenmure.*"

Digitized by Google

Lockhart, and our whig friend, Sir John Lauder of Fountainhall, no mean junior, undertook the case, *con amore*, for Sir John Dalrymple, and against the military official of Government. But the future victor of Killiecrankie turned upon Sir John's Bill of Suspension with the same irresistible initiative with which he came down upon Mackay. He would *not* stand on the defensive. He presented an overwhelming Bill of Complaint against his former challenger, and declared himself prepared to prove, as he did, every item of his charges. This complaint, which was in the serious form of Criminal Letters, with concurrence of the Lord Advocate, for his Majesty's interest, was read before the Privy Council upon the 14th of December 1682. Besides the charges we have already extracted, of violent obstruction and contempt of authority on the part of Sir John Dalrymple, followed up by that mean attempt in which the ex-President had joined, to bribe the King's commissioner out of his duty, the criminal libel contains other accusations, and depicts some curious scenes, which will be best given in the words of the original. The Bailie of Glenluce, having failed to influence the Government by his false representations in Edinburgh, after the attempt at bribery, took other means which are thus stated in the libel:—

"Whereupon Sir John Dalrymple returned to Galloway, resolving to stir up the people, since he could not move the Government; and when the complainer, to vindicate himself, did cause make intimation at all the parish churches in Galloway, that whoever had any complaint against the soldiers, either for free quarters, or *any other account*, might repair to the town of Strathaven, where they would find persons ready to give them immediate satisfaction, the said Sir John did cabal and meet with several of the gentry, and endeavour to make them combine with him to sustain his false representations; and though he found in them *an absolute aversion*, yet he had the impudence, in their name, to draw a most seditious, false, and malicious representation against the forces, both officers and soldiers, without so much as *specifying any particular person* who had made complaint;[1] and by his man, Samuel

[1] Where, then, were the parents or friends of the *innocent boys*, so cruelly *tortured*, even to death, in Galloway, in 1679, and in this very year 1682? Where were all these *Wodrow horrors* then? Would Sir John Dalrymple not have made his own use of them upon this occasion, had they existed at all, even in the shape of gross exaggerations and calumnies? See before, pp. 239-55.

Digitized by Google

M'Adam, pretending, and falsely calling himself procurator specially constituted by all the heritors in the parish of Glenluce, and several other heritors in the shire, did at Strathaven cause deliver it by way of instrument to Mr David Graham, brother to the said John Graham, complainer, and quarter-master to his troop, in presence of all the people, designing thereby to stir them up to sedition: As had been done some years before, when, by the false misrepresentations, and clamour, of free quarters, and oppression, against Sir James Turner, the people were induced to rise in arms, invade the quarter of his Majesty's forces, and seize the commanding officer, and afterwards did break out in an open rebellion at Pentland Hills:[1] And were it not that the complainer before that time had reclaimed the body of the people, and kept the rest in obedience and awe by the assistance of the forces, it is probable Sir John might have brought his pernicious designs to have their wished effect; it being certain that the fanatics had then their heads aloft; as witness that rebellious rendezvous at Tulliallin, which happened to be about that said time.

"And the said Sir John hearing that there was to be a *head court*, resolving to lose no time or occasion to disturb the country, went to the said court, and placed himself at the head of the board, amongst the barons, though neither he, his predecessors, nor authors, had ever sitten there before; and did upbraid the Sheriff (Claverhouse), reproaching him of contravening the Acts of Parliament, and in a most insolent manner threatened that he would make him amenable for what he was doing: And after, when, by the Sheriffs order, that seditious instrument of Sir John's against the forces was read, *and in his presence disowned by all the heritors*, the said Sir John fell into that height of passion and folly, that he not only condemned all the complainer's proceedings,

[1] The Government, in 1666, yielded to this clamour against their officer, Sir James Turner, and threw him over, as one who had acted too severely under his commission. Sir James afterwards wrote, in his own defence, his most amusing and instructive Memoirs (printed for the Bannatyne Club in 1829), in which he completely exposed the falsity of the clamour to which he had been sacrificed. The progress of that mean and lurking rebellion tended to corroborate all his statements. But, by his own shewing, Sir James was not at all equal to the emergency. He was deficient in active energy, and mental resources. He was actually taken in bed by the vagabonds, who carried him about like a bundle of old clothes, and caused him to witness their feat in arms among the Pentlands, which enabled him to escape. He had organized no daily communication between himself and Government. What happened to Sir James Turner could never have happened to Claverhouse. The difference between their capacities is well sustained and illustrated by Sir Walter Scott, who seized on both for heroes of his romances,—Dundee, and Sir Dugald Dalgetty.

Digitized by Google

and, of design to stir up the gentry against the complainer, endeavoured to persuade them that all his actings were contrary to the design of the Government, but also belied and misrepresented the Council, alleging in a most arrogant manner, in despight of what the complainer could say to the contrary, that the Council had put several restrictions to the complainer's commission, and given him positive orders not to fine any person who went to church, *however guilty;* and then, of new again began his representations against his Majesty's forces, in name of the Shire, and sustained all he had so falsely alleged; and had not the complainer, as Sheriff presiding in the meeting, commanded him to silence, he had proceeded to a greater height; nor did he obey, till he was threatened with imprisonment. Thus did he disturb and obstruct his Majesty's service as much as he could, and kept in stir that country all this summer."

Notwithstanding his local influence, and legal talent, backed by the counsel of highest repute at the bar, and before a tribunal quite ready to sacrifice his opponent, could a case have been made out against him, Sir John Dalrymple now found himself in a very serious scrape. Claverhouse, with his clear mind, and indefatigable pen, had kept the Government so completely *au fait* as to all his proceedings, from the first moment of his entering Galloway, that Sir John's reckless accusations could only recoil upon himself. The Commander-in-Chief, the Lord Treasurer, the Duke of York, even the King, knew precisely, to the most minute particulars, how their Captain-Sheriff had acted in his vocation; by what energetic yet moderate means he had reclaimed the nonconforming parishioners; how he had at once constrained and conciliated the men, and excited and amused the females; how he had disposed of, and employed the small force of cavalry under his command, in that hostile district, with due regard to the comfort and sustenance of the troops, but with every attention to the strictest discipline, and the rights of the people. No more than a remnant of his dispatches has been recovered. Yet even those letters suffice to prove that he was in the daily habit of writing most minutely to head-quarters, the truth, the whole truth, and nothing but the truth. In that correspondence he continually craved advice, and courted correction. Accordingly, some days before his Bill of Complaint against Sir John was read

Digitized by Google

to the Privy Council, the Duke of York intimates his own and the King's judgment on the subject, in a letter which we shall here give entire, as an interesting specimen of that maligned Prince's business correspondence:—

The Duke of York to Queensberry.

"LONDON, *December* 2, 1682.

"I had not time by the last post to answer yours of the 21st, which now I shall do. And now to begin. I do not hear that Lady Errol has any reason to be alarmed that she shall be put out of the lodgings [in Holyrood Palace] she is in; Duke Hamilton having said nothing of it here. I do not believe he would do it, he being so much her friend. But I doubt whether it would be proper to get a warrant from the King for her keeping them; since, as I remember, they belong to the Housekeeper; and that, as such, Duke Hamilton lent them her. I shall take care that no new pensions or precepts shall be granted. I see that you and the Chancellor expect I should name some one to you, to be sent up hither by you, to give an account of the Treasury affairs; but I think you on the place are better judges than I. Therefore pray do you think of some fit man to send up with them. As to what concerns the Castle, I shall answer that by the next. I am *absolutely of your mind as to Claverhouse:* and think his presence more necessary in Galloway than anywhere else; for he *need not fear anything Stairs can say of him, his Majesty being so well satisfied with him.* I am sorry that the little gift which was begged by one of the Duchess of Portsmouth's women could not be done, and that it was transacted before the order came to you. But, for the future, I shall care that nothing of that kind be given away here. Since the writing of this I have received yours of the 25th; but it being late, and I having been a-hunting, must defer answering it till the next post.[1]

Claverhouse himself was eventually selected to carry important dispatches to Court, and to lay before the King and the Duke the whole state of matters in Scotland; including the Treasury affairs, which the administration of Lauderdale

[1] *Queensberry Papers.* All the Duke's letters to Queensberry commence thus abruptly, and conclude in like manner; and for the most part without signature or initial. But he usually adds a mark or figure, somewhat resembling the letter S reversed, in place of signature. This, however, is not intended for the initial letter J, as it sometimes occurs along with his signature.

Digitized by Google

had thrown into a terrible mess. But this new and more distinguished mission for our hero was delayed a while, until Sir John Dalrymple came to be fairly disposed of in the Castle of Edinburgh. It was on the 12th of the same month in which the above letter was written, that the criminal libel against Sir John came before the Privy Council. From the original Register of this high tribunal we have already extracted all of it necessary to be quoted here. To Fountainhall we now turn, for what immediately followed.

"Sir John's answers being also read, the Chancellor *reproved him* for the tart reflections he had therein on Claverhouse's ingenuity.[1] Then Sir John urged he might be allowed to adduce what witnesses he had in town, for proving some of the points of fact contained in his answers: This was denied him, and the Chancellor appealed to the King's Advocate, if a diligence ever was, in form, granted at Privy Council to a defender, to prove his defence, unless he were in a *libel of reconvention?*[2] This was *to hook* him to give in his *counter-libel.* Then Claverhouse's witnesses being called, and his libel as relevant admitted to his probation, and Sir George Lockhart (who was so generous as to lay aside all former private resentments, and appear as one of Sir John's advocates, *on which side I also stood*), being adduced as a witness, to prove that he heard Sir John Dalrymple charge some of the above-mentioned things on Claverhouse, Sir George answered, that such a preparative would be *pessimi exempli*, to force advocates to disclose their clients' secrets. The Chancellor thought he might be ordained to depone. But seeing Sir John Dalrymple offered to raise a libel upon the very same particulars, this rendered the examining witnesses, on that part, unnecessary.[3]

[1] Fountainhall gives a careful *epitome* of Claverhouse's libel against Sir John, but has not favoured us with any note of his client's answers.

[2] That is to say, a counter-libel against Claverhouse. It was well known that Sir John had been parading false accusations, and professing to be prepared with a criminal libel against the Sheriff of Wigton; who consequently became most anxious to compel his maligner to table these accusations in a specific form before the Privy Council. Fountainhall's phrase, "to *hook him* to give in his *counter-libel*," says very little for the case of his client. He uses that phrase in the *Historical Notices*, but substitutes "to compel him," in the report in his *Decisions*, a phrase more seemly, and more just.

[3] Which was just the mode of dealing with Sir John's accusations that Claverhouse desired, and the justice of the case demanded.

Digitized by Google

"There was much transport, flame, and humour in this cause; and the cloud on the late President's family was *taken advantage of* now; which shows the world's instability.[1] Sir John alledging the people in Galloway were turned orderly and regular, Claverhouse answered, there were as many *elephants and crocodiles* in Galloway, as loyal or regular persons; meaning there was *none of either;* which was a bold accusation and reflection on a whole shire.[2] And yet the Chancellor would not allow Sir John to complain of the exacting of free quarters, in *the name of any but of himself, and of his tenants only*, without he had a *commission* from the rest of the shire, in which they durst not then join; *soldiers* getting a more favourable hearing than country gentleman, as appeared in *John Chiesly's* case."[3]

Such is the prejudiced report of his whig counsel. But this country gentleman, Sir John Dalrymple, obtained the fairest of hearings, and was most deliberately judged. He had no reasonable ground of complaint in the fact that he was compelled to table, specifically, his own accusations against

[1] A feeble, mawkish sentiment, quite irrelevant to the merits of the case. The only cloud on the President's family consisted of these very misdeeds. With every inclination to do so, Fountainhall brings out no defence for his client whatever; and does not attempt to deny, or pretend that Sir John denied, the accusation he records that both his client, and the ex-President, offered Claverhouse a bribe of a hundred and fifty pounds sterling (a great sum in those days), to induce him to cheat his Sovereign and the country.

[2] Fountainhall would have taken the phrase in a less literal sense, and appreciated the joke better, had it been on his own side of the case. The gravity with which he comments upon it is somewhat silly. Of course, Claverhouse referred to the state in which he had found Galloway. There was this point in his reference to Elephants, that the first ever brought to Scotland had been exhibited in Edinburgh not long before, and created great excitement.

[3] Chicsly's case was no instance of the kind. Fountainhall was out of humour at the signal defeat of his client. Had the Lord Advocate pressed the charge of *hame-sucken* against the soldiers in the case of Chiesly (who was an outrageous villain), in order to *hang them*, it would have been a monstrous stretch of the law, and a most impolitic act. The soldiers were sufficiently, and indeed, severely punished, see before p. 257. It is remarkable, that both of the parties with whom Fountainhall seems to sympathise against the Government, turned out murderous characters. Chiesly assassinated the inestimable Sir George Lockhart, when President, and Fountainhall himself enjoys the high reputation of refusing to be Lord Advocate under King William, because Sir John Dalrymple and his accomplices were not to be brought to judgment for the *massacre of Glencoe;* a difficult thing to have done, as Sir John's chief accomplice was King William himself.—(See Fountainhall's *Decisions*, and *Historical Notices.*)

Digitized by Google

Claverhouse, and required to prove them. Having falsely alleged a commission from the gentlemen of Glenluce to accuse the King's Sheriff, in their name, of illegal exactions, and oppression, through his soldiers, and that alleged commission having been denied by one and all of them, in Sir John's own presence at a head court, (a fact not recorded by Fountainhall), he had no rational ground of complaint against the Privy Council, because they stopped his attempt again to plead that accusation *in name of the shire*, without producing any mandate to that effect. Neither was it a reasonable ground of complaint, that having libelled Claverhouse alone, and brought none but him to answer for this alleged oppression, he was restrained from wandering vaguely out of the record, and restricted to proving the case against the only party whom he had summoned to the bar of the Privy Council.

And a very special jury it was that sifted the evidence, and disposed of this disingenuous attempt to paralyze the Government, and ruin Claverhouse. The sederunt, at their final judgment, was composed of the great Officers of State, and Lords Spiritual, Temporal, and Legal. We leave it to such writers as Wodrow, to attempt to convince the world, that these were all unjust and wicked judges, incapable of doing justice in any cause of the kind, and only supporting Claverhouse because they were, one and all, as cruel and oppressive as himself. The Lord Chancellor, the Primate of Scotland, the Lord High Treasurer, the Lord Privy Seal, the Chancellor of the Exchequer, the Lord Advocate, the Lord Justice-General, the Lord President of the Court of Session, the Bishop of Edinburgh, the Commander-in-chief, the Master-General of the Ordnance, the Duke of Hamilton, the Marquises of Douglas, and Montrose, the Earls of Errol, Glencairn, Linlithgow, Perth, Dumfries, Southesk, and Balcarres, the Lords Elphinston and Kinnaird, the Law Lords Collington, Abbotshall, and Castlehill, and Sir George Munro, formerly Commander-in-chief, composed the jury who decided between Claverhouse and Sir John Dalrymple. Their names are all recorded on the sederunt when the final judgments were pronounced, in both processes. But those judgments speak for themselves.

Digitized by Google

The Acquittal of Claverhouse.

"The Lord's of his Majesty's Privy Council, having heard and considered the foresaid libel, pursued at the instance of the said Sir John Dalrymple, younger of Stair, Advocate, against John Graham of Claverhouse, for alleged allowing the forces under his command in Galloway to exact localities, and free quarters; for unwarrantably seizing upon, and unwarrantably fining of the lieges; exacting sums of money without any probation or sentence; and several other crimes alleged committed by him, contained in the principal complaint raised thereanent, and answers made thereto for the said John Graham;[1] together with several papers produced by him for instructing and verifying his answers, viz.—divers instruments under the hands of notaries-public, bearing that there was *intimation made to the people at the parish churches*, to come and give in their complaints (if they had any) against the soldiers, and to receive redress and payment for any localities or quarters resting (owing) by any of the soldiers, if any were; as also produced several letters *sent to several gentlemen of the shire to that effect;* and *a great many discharges* granted by the most part of the heritors, and divers other papers for instructing of the said answers; and having considered the depositions of *a great many witnesses*, led and adduced by the said Sir John for proving the said libel,—Do find the said libel not proven to infer any crime, fault, or misdemeanour against the said John Graham of Claverhouse; but, upon the contrary, that the said John Graham has *done his duty*, and acted in the prosecution of the commission given to him for the discovery and punishment of disorders in Galloway, faithfully and diligently, conform to the trust reposed in him, to the great advantage of his Majesty's service. And, therefore, have assoilzied, and assoilzies him from the said complaint and whole articles thereof, and declares him quit and free thereof in all time coming: And further, the said Lords ordains the said John Graham *to have the Council's thanks* for his good service, for encouragement of him and all others, the King's officers, who should serve his Majesty faithfully: which he received accordingly."[2]

[1] Claverhouse's answers are not recorded, but doubtless they would just be an echo of his libel against Sir John.

[2] Register of the *Decreta* of the Privy Council, 12th February 1683. Fountainhall notes very shortly this triumphant acquittal of Claverhouse, a result at which he was evidently chagrined. But he was much too honest to throw out even a hint that the judgment was contrary to evidence, or had proceeded upon an imperfect or partial hearing. He adds, what is not in the recorded judgment, that, "The Chan-

Digitized by Google

The Judgment and Sentence against Sir John Dalrymple.

"The Lords of his Majesty's Privy Council do find :—

"*First*, The said Sir John Dalrymple to be guilty of employing persons to be his clerk, and Bailie of the regality of Glenluce, who had formerly been convened before the laird of Claverhouse, and had confessed their conversing with and resetting of rebels and traitors, and guilty of disorderly withdrawing from the church, and of disorderly baptizing of their children, whereof complaint was formerly made by Claverhouse to a Committee of the Council in August last, and intimation made to him (Sir John) thereof:

"*Second*, The said Lords do find that the said Sir John is guilty of imposing inadequate fines, upon persons within his regality guilty of disorders, and which were never exacted by him, to elide the execution of the law, and Claverhouse's procedure against them by virtue of his commission :

"*Thirdly*, That Sir John is guilty of prohibiting of persons within the said regality to appear at Claverhouse's Court,—who not only was Sheriff of the shire, but had the Council's extraordinary commission for calling and punishing delinquents within the shire, and whole jurisdictions within the same,—after they had been cited to Claverhouse's court :

"*Fourthly*, That Sir John is guilty of causing a servant of his enter a most tumultuary and seditious instrument, or manifesto, in his own name, and in name of the gentlemen of the shire, against the soldiers, for alleged exaction and oppression, without any previous complaint made to Claverhouse, or any of his officers; of purpose to breed private dislike and animosity betwixt the country people and the King's soldiers, and those entrusted to serve him; and which instrument *has been disowned by the most part of the gentlemen*:[1]

"*Fifthly*, That Sir John is guilty of misrepresenting Claverhouse to his Majesty's Privy Council, as guilty of several acts of exaction and oppression, albeit, *after strict examination and enquiry*, the Council finds he has proceeded legally and warrantably; and the said Lords find the said Sir John also guilty of murmuring against the said John

cellor complimented him so far, that they *wondered* that he, not being a lawyer, *had walked so warily in so irregular a country*.—See *Historical Notices* and *Decisions*, 12th February 1683.

[1] As there was no one present when the ex-President and his son Sir John *offered the bribe* to Claverhouse, except those three (of whom old Stairs had fled), of course that charge could not be proven. But the fact itself cannot be questioned, and Fountainhall records no denial of it.

Digitized by Google

Graham of Claverhouse as Sheriff, and a Judge, and misrepresenting his judicial proceedings, as having acted partially and clandestinely :[1]

"And therefore the said Lords do deprive and discharge the said Sir John Dalrymple of his jurisdiction and office, as Bailie of the regality of Glenluce; and fines him in the sum of five hundred pounds sterling,[2] to be paid to his Majesty's cash-keeper, for his Majesty's use; and ordains him to make payment of the witnesses expenses, at the ordinary rates, *in both processes;* and to be committed prisoner in the Castle of Edinburgh, there to remain till he make payment of the said fine and expenses, and further during the Council's pleasure."

A valuable result, of the examination of these criminal processes, (hitherto only known through the imperfect and partial notices left by Fountainhall), is the demonstration they afford, not merely of the unimpeaceable conduct and dispositions of Claverhouse, from the commencement of his services at the close of the year 1678 to the beginning of the year 1683, but of the utter falsity of those frightful pictures, which have so long passed current, of the most lawless and sanguinary cruelty inflicted by every Government official upon a harmless and holy peasantry, during that very period. At the opening of his chronicles of the year 1679, Wodrow prepares his helpless readers for the horrors he is about to display, by some flaming passages of compressed malignity, of which the following may suffice for a specimen: "And the *blood-thirsty executioners*, in *many cases*, gave not themselves the trouble to keep by their own laws, but *harassed and murdered in the*

[1] Sir John in his libel makes it a charge against Claverhouse that he took it upon him to be *illegally lenient:* "And where parties are willing to *give bond*, or make payment of their fines, he gives them *a general discharge of all bygone irregularities;* and, which is more *gross*, he does gratify persons *obstinate*, and who have not returned to order, with such general indemnities; and particularly *Thomas Hay of Park*, whom he fined in nine thousand merks, which was not a fine for schismatical irregularities only, but as he himself acknowledges, he had been informed that the said Thomas Hay had been accessory, by *outreiking a horse*, to the rebellion; and though he does extenuate this, and all other faults in the said Thomas Hay, yet, if he be so innocent, *and aged*, as the libel bears, he should not have been fined in five hundred pounds sterling; and this sum *ought not to have been diminished to a person who did not become orderly, and is the only man within the shire goes not to the Church, nor his lady was never in the Church but once.*" Was this *oppression* on the part of Claverhouse?

[2] Fountainhall says, dolefully, that some of the Privy Council were for making the fine a thousand pounds sterling.

Digitized by Google

public roads, *open fields*, and *almost everywhere* upon the south side of Tay.[1] A very *small part* of this inhumanity can now be represented, in comparison of what might have been, had this history been writ *thirty years ago*." Thirty years before the time when Wodrow is concocting his monster libel upon those infamous fictions, which the Kirk-Sessions and Presbyteries in Scotland were then gathering for the purpose from the lowest of nameless and irresponsible sources, would just lead us back to this year 1682.[2] The very reverse of Wodrow's statement is the truth. No idea of the calumnies, with which his history is festering in every page, existed thirty years before. Or at least they only existed in the vague, false, and foul-mouthed rhetoric of conventicle preaching, and covenanting proclamations. Sir John Dalrymple would have raked the gutters for anything like a case of cruelty and oppression against the laird of Claverhouse. He attempted to fasten upon him the minor charge of an illegal and oppressive stretch of his commission, in the matter of free quartering of soldiers. The Privy Council were ready to have punished their official for the offence, if proved. But Claverhouse triumphantly demonstrated that the charge was as false as meanness could make it. And all the gentlemen of those districts,—of which Dalrymple's accusation would have made him only the devouring locust, while Wodrow depicts him as the sanguinary Attila,—at once responded to Claverhouse's appeal, in testimony of his own rectitude and the interested falsity of the Bailie of Glenluce. And would his whig advocate, in noticing the case so particularly, and with every disposition to be severe upon Claverhouse, have dropt not a single hint that *cruelty* could be imputed to his dispositions, or *violence* to his proceedings,—have referred to no single example, alluded to no rumour of the kind,—had there been a word of truth in this statement of Wodrow's,—" Particularly, we shall find *Claverhouse raging* in the West and South this

[1] This atrocious falsehood is taken for granted as true, even by such writers as Charles Fox and Lord Macaulay!

[2] See before, pp. 84-6, a very instructive specimen of the proceedings of the Kirk Sessions throughout Scotland, in the years 1710 and 1711, in order to establish the " Sufferings of the Kirk," in support of the Orange dynasty.

Digitized by Google

(1679) and several following years, and committing many grievous oppressions: He could never forgive the baffle he met with at Drumclog, and resolved to be *avenged* for it." We have now seen how he avenged himself, in his conventicle campaign of 1682. We have now seen all that Sir John Dalrymple could accuse him of, and even that was proved to be false. In the face of this, are we to believe Wodrow when he says, in reference to the period from 1679 to 1683,—"The meetings for *hearing the gospel*, in houses and the fields, were violently attacked, and *frequently* the soldiers did discharge their loaded pieces among *poor unarmed country people;* some, *we have heard*, were killed, and *many* were wounded; the *dreadful havoc* made in all the corners of the West and South of Scotland, by the parties of soldiers marching up and down, and the garrisons, *is what cannot be expressed!*" When and where? And where then was Duke Hamilton? Where was Tweeddale? Where was Sir John Dalrymple? How came it, that no breath of any accusation of the kind ever reached the tribunal of the Privy Council? Are we to believe it the more readily upon the species of proof with which Wodrow backs his slanders? "Many particular accounts," he says, "of these outrages, *I have seen*, and a good number are before me, *too tedious to insert here.*"[1]

"I have been much obliged to Claverhouse for his civility, and my son hath not much owned the interest of the regality of Glenluce,"—writes old Stairs in the month of July 1682. We shall not insist, however, even upon that authority, for

[1] Wodrow had contrived to obtain, through the clerks of Session, a complete command of the whole existing records of the *Acta* and *Decreta* of the Privy Council of Scotland. His researches therein, however, had but one object in view, and that was not the truth. Accordingly, he thus notices the *sufferings* of Sir John Dalrymple, actually quoting the Privy Council Register: "Upon the 12th of the same month (February 1683), the Council deprive *that known great man*, Sir John Dalrymple of Stair, of his bailiary of the regality of Glenluce, and fine him in five hundred pounds sterling, and order him to the Castle of Edinburgh till he pay it. This act is made upon a complaint tabled against him by Claverhouse; *but the reasons of the act and the complaint are not recorded.*"—Wodrow's History, vol. iii. p. 438. Now, the sentence of deprivation itself, as we have shewn, contains the fullest details of the cause of the sentence; and the voluminous libels, in both processes, are fully recorded, along with the respective judgments, in the Register of the Privy Council. Wodrow appears to have considered the *sufferings* of Glencoe as no ways affecting the character of "*that known great man*, Sir John Dalrymple of Stair."

Digitized by Google

the invariable *civility* of our hero, when roused by meanness or provoked by obstinacy. He admits, in his libel against Sir John, that when the latter was brawling, and attempting to brow-beat him presiding in his own head-court, that he first commanded him to silence, and then threatened to imprison him. We may believe the Bailie of Glenluce, when he tells us, in his counter-libel, that this was said in a towering passion, and accompanied by unmistakeable signs of being in earnest. "Claverhouse became so rude and enraged," he complains, "that though there were an hundred present who were not members, yet Claverhouse did cause his soldiers and officers take the complainer *by the shoulders from the table*, which was an indignity that his Majesty's justice, and princely generosity, does not allow to be offered to a gentleman." Doubtless the barons, heritors, and retainers present, (many of whom had previously offered Sir John the yet greater affront of proclaiming him false in the use of their names), enjoyed the scene amazingly. Nothing half so entertaining has occurred in the head-courts of Galloway or Dumfries from that hour to this. Another scene, still more indicative of *cayenne* in the composition of Claverhouse, and not so defensible as the former, occurred before a committee of the Privy Council. We may accept the fact on the faith of Sir John himself (for Fountainhall mentions it not), and shall give it in the words of his libel. After charging his opponent with the unconstitutional violence of ruining his little court of regality, when he laid by the heels the collusive bailie-depute and clerk, there follows this count, yet more amusing from its novelty in a criminal indictment for high state crimes and misdemeanours:—

"As also, the *offering a box in the ear* to a gentleman, in presence of the Committee of Council appointed to examine witnesses, in the very time that Committee was sitting upon that affair, is an intolerable affront to his Majesty's Government, and indignity to the liege so injured,—*Nevertheless*, the said laird of Claverhouse, during the time that a Committee of his Majesty's Council's number were sitting and discussing the objections and interrogatories given by either party for receiving the witnesses, did, to the high affront of his Majesty's authority and Government, in the said Committee, and in the hearing of some of the members thereof, *threaten to give the complainer a box in the ear*.[1]

[1] "20 February 1683: Sir John Dalrymple is this day liberated from prison, by

Digitized by Google

SECTION VII.—*Claverhouse's first Campaign at Court, how it came about, and how it ended.*

We have now traced the career, and closely tested the conduct, of Captain Graham of Claverhouse, from the very commencement of his military service in Scotland, to the month of February 1683. So far we have proved "*Bloody* Clavers" to be a historical myth. We have demonstrated that, instead of being cruel and rapacious in his operations, military and civil, to destroy the conventicle system in the South and West of Scotland, he was the very reverse. His hand was against the rebellious rich, not the misguided poor. His ambition was to reclaim even the rebellious "without severity or extortion,"—the words he himself uses. *Not one single act* had he committed to stain his character with the epithet *cruel*.[1] That he was "*ruthless* in inflicting death upon others," (a characteristic rashly pronounced of him even by Sir Walter Scott), is as devoid of truth, as the antithesis, that he was "careless of facing death himself," is true.[2] Under his Justiciary commission, not one human being had he condemned to death. Under his military commission, not one drop of blood had he caused to flow, except upon the very few occasions when *armed* fanatics came into hostile collision with the sabres of his dragoons. Determined, peremptory, haughty, and hasty of speech, doubtless he was. As regards the State necessity of crushing the struggling remnant of the Argyle regime, he was the right man in the right place. But in his very difficult and trying vocation of *Captain-Sheriff*, the most objectionable conduct that can be imputed to him, is the having threatened, at a Committee of Privy Councillors, to box Sir John Dalrymple's ears. And if the accusing spirit flew up to Heaven's gate with the threat, we have no manner of doubt he laughed when he gave it in;

the Council, on paying his fine; Hew Wallace, cash-keeper, having reported his discharge; and *acknowledging his rashness*; and *craving the Secret Council pardon*." —Fountainhall's *Historical Notices*.

[1] "He was *permitted* to avenge his defeat (of Drumclog) by *the most dreadful cruelties*, which procured him the appellation of *Bloody Clavers!*"—*Douglas's Peerage, by Wood*.

[2] See before, vol. i. p 160.

Digitized by Google

and that, in respect of *Glencoe*, the recording angel, as he wrote it down, dropt no tear upon the word, but placed it on the credit side of the account.

Nevertheless, though not "rapacious and profane" in the sense in which Lord Macaulay fired that random shot, we will not say that Claverhouse did not look to being well rewarded for his public services, military and civil. He became, in fact, a first-rate *jobber* at Court, both for his own interest, and for that of the most prominent of his aristocratic friends. But even Lord Macaulay (who really knew nothing about him), had he found the facts we have now to disclose, would scarcely have ventured to ring another change of declamatory vituperation thereupon. He would have been met by the *argumentum ad hominem*. None of Claverhouse's commissions, or jobs, brought him a salary of ten thousand pounds sterling; and the raising him to a peerage was a measure of ministerial necessity, not a job. The reason was not only intelligible, but irresistible at the time, being one of *Monarchical* necessity.

The complimentary poet who addressed Claverhouse on the first day of the year 1683, says,—

> "The brave reformer of great Gallowayshire,
> I hope he will to *Colonel's* place aspire."[1]

That wish had been anticipated. His commission as Colonel of a new regiment of horse is dated at Whitehall, 25th December 1682,—a Christmas gift from Charles the Second to his best Captain. The regiment was formed expressly for Claverhouse, and with economical ingenuity. The foot guards, and also a regiment commanded by the Earl of Mar, were each reduced by a hundred soldiers; and these, along with nine horsemen, drafted out of each of the three independent troops of horse, were taken to compose a new troop of horse, which, added to the three independent troops, sufficed to compose a regiment of horse, "whereof," says the commission, "we have appointed our right trusty and well beloved John Graham of Claverhouse to be Colonel." Under the same commission, he was appointed to be Captain of the leading troop of his own

[1] See before, vol. i. p. 325.

Digitized by Google

regiment, to which neither Lieutenant-Colonel nor Major was attached.[1]

But our hero was not destined to remain a mere Colonel of dragoons, and crusher of conventicles. The confident and successful manner in which he at once assumed the position, not merely of a courtier, but of the most influential Scotch courtier of his time, is not easily accounted for. His Sovereign, and his Country, had no other knowledge of his capacities than what had been developed in the course of his three years of conventicle campaigning; circumstances, it might be supposed, not the most favourable for ripening him into a courtier and a statesmen. But no sooner has he shaken off, for a time, that weary Wigtonshire, and Sir John Dalrymple, than we find him at Court, all in all with King Charles and the Duke, the familiar, and confidential correspondent, of the leading statesmen of Scotland; even bestowing patronage upon the most powerful among them, as if he had suddenly become the minion of the Monarch. Queensberry was now sole Treasurer, and Prime Minister for Scotland. The new Chancellor Gordon had just been created Earl of Aberdeen. Both were in the highest favour with the Duke of York, to whom Scotland was entrusted. Yet even these magnates looked to, and leant upon, Claverhouse, to do them good offices with the King and his brother, as the one most likely to prevail in that quarter. This indicates that our hero was singularly formed by nature to succeed, and to shine, at Court even more than in the camp. Sir John Dalrymple was sent to the Castle in the month of February 1683. On the first of March thereafter, Colonel Graham of Claverhouse is passing through the now subdued districts of the West and South on his way to Newmarket, charged with dispatches to the King and the Duke, who were then enjoying themselves at that ancient seat of aristocratic sport. The following letter is to the Chancellor:—

Claverhouse to the Lord Chancellor Aberdeen.

"*March* 1, 1683.

"My Lord:—I have done all I had to do here, as my Lord Trea-

[1] See before, vol. i. p. 32, his Commission, printed from the *Duntroon Papers*.

Digitized by Google

surer may inform your Lordship, and will be to-morrow at Carlisle, and I hope at Newmarket on Monday or Tuesday.

"I found Clydesdale full of lies: Such as, my Lord Huntly's getting a regiment, but that my Lord Duke Hamilton, and Athole, opposed it strongly in Council; and that the King was either dead or dying, at least quite deaf; and many other lies. One *truth* I heard confirmed,—that Lee[1] had done wonders for bringing his people to conformity; and had certainly, whatever some people say, cast a good part of his land waste by it. This I had from the minister of Symington.

"I am, my Lord, your Lordship's most faithful and humble servant,

"J. GRAHAME."[2]

Lauderdale and Rothes had vanished from the scene, and Queensberry and Aberdeen reigned in their stead. The whole nobility of Scotland, of all shades of politics, flattered the Marquis grossly in their correspondence; and neither Claverhouse, nor the Duke of York himself, formed any exception to the universal adulation. Yet this great man showed at times great littleness. He appears to have been of a selfish and suspicious nature, and continually haunted by the most childish and undignified fears that *somebody* was "doing him some ill offices at Court."

The Duke of York to Queensberry.

"NEWMARKET, *March* 9, 1683.

"Yours by *Clavers* I received since I came, and have discoursed with him at large of what you and the Chancellor had charged him with; but, there being none of the Scots Secretaries here, have not yet troubled his Majesty with the reading of the draft of the letter he brought

[1] Cromwell Lochart of Lee. Fountainhall affords this anecdote of him: "Cromwell Lockhart of Lee, being one of the small barons of Parliament, and in a long sederunt desiring to go forth, one of the macers refused to open the door, whereupon Lee gave him a thrust, which the macer alleged was a stroke, and so that he had incurred the penalty of treason, by the Act 1593, against any that beats another in the Parliament-House while the Parliament is sitting, and the King, or his Commissioner present. To free himself of trouble and hazard (having offended the Duke of York in his voting), he redeemed his escape with a sum of money to the macer."—*Decisions*, July 28, 1681. The parenthetical hit at the Duke of York is gratuitous and unfair.

[2] Aberdeen Papers.

Digitized by Google

up. So that, as to the public affairs, I can yet say nothing. But as to some *jealousies* you had that some might have done you ill offices to me, I assure you there is no such thing; and you cannot desire I should be better satisfied with you than I am; and am very sensible how well you serve his Majesty, and how sure a friend you are to me."

Of the same date, our hero thus writes to the Lord Treasurer:—

Claverhouse to Queensberry.

"NEWMARKET, *March 9th*, 1683.

"MY LORD:—I shall not trouble your Lordship with anything of business, seeing I know my Lord Chancellor will show you what I have written to him, which I think will please.[1] For I find all in a very good temper here. I spoke to the Duke concerning what your Lordship gave me in commission; and he desired me to assure you, that he had all the esteem imaginable for you, and that nobody had offered to do ill offices with him; and if they had, they would not have succeeded, and expressed himself very kindly and frankly of you. It is hard to get any business done here. I walked *but nine miles this morning with the King*, besides *cock-fighting*, and *courses*. I have not spoken as yet concerning the *muster-master*, but I shall. I am, my Lord, your Lordship's most faithful and humble servant,

"J. GRAHAME."[2]

[1] What Claverhouse had written to the Chancellor does not appear among the Aberdeen Papers printed for the Spalding Club.

[2] *Queensberry Papers.* Wodrow, like Lord Macaulay (who, indeed, on the subject, is just Wodrow condensed and spiced), in the midst of all his malignant chattering about Claverhouse, was very ignorant of his actual proceedings and movements. In his "Sufferings of the year 1683," we find,—"In the former section, I have hinted at the sufferings of several particular persons, *March* and *April* this year, from Major White's courts; and, *at the same time*, Claverhouse is *exerting his powers to the utmost*, in the south;" and, then he runs into his usual rhodomontade about "*multitudes* hiding and wandering in mountains and caves;" and the searches of Claverhouse creating "an inexpressible terror and confusion upon the country people." This scrambling calumniator was not aware, that Claverhouse was *at Court in England* during the whole of the months of March and April 1683; and did not return to Scotland until the middle of May thereafter. The Duke of York, in a letter to Queensberry, dated May 9th 1683, says,—"I came yesterday from Windsor, and am to return back thither to-morrow, from whence I shall soon dispatch *Clavros* to you." Accordingly, another letter from his Royal Highness, dated on the 13th of the same month, is brought to Queensberry by Claverhouse.

Digitized by Google

By all this there hangs a tale, which we must now proceed to unfold, that the subsequent correspondence may be better understood.

Considering how the Duke of Lauderdale reigned in Scotland, it is not surprising that his brother, and heir-presumptive, Charles Maitland of Hatton, enjoyed a variety of high and lucrative offices, and exercised an imperious sway in State affairs. This of course had rendered him obnoxious to many, who only awaited the decline of Duke Lauderdale to pull his brother down also. It was all the more easy to do so from his connection with the revenue. A statesman who had to account for money, was very easily called to account. Probably not one statesman in those days, could have come through the same ordeal with clean hands. Hatton, besides being a Lord of Session, and a Privy Councillor, was Treasurer-depute, and *General* of the Mint, with a *Master*, and a *Warden*, under him.[1] Doubtless he had made the most of his office for himself. But the animosity and avidity with which he was attacked, while the old Duke was dying, is rather to be accounted for by the love of lucre, in rival statesmen, than by their virtuous abhorrence of such malversations. The worst thing we can discover about Claverhouse (and it is no great matter), is, the keenness with which he shared in the spoil of poor Hatton. No sooner did Sir George Gordon of Haddo find himself established in the seat of President Dalrymple, and in the favour of the Duke of York, (even before he soared into the Chancellorship, and an Earldom), than he suggested to head-quarters, that a commission should be issued to enquire into the state of the coinage and mint, avowedly for the purpose of *staging* the *General of the Cunzie*, and all his subordinates. These included his eldest son, Richard Maitland of Gogar, who, when but a youth, was appointed General of the Mint jointly with his father. In short, the ruin of the Lauderdale family was determined upon, under the direction, chiefly, of the new Lord Treasurer, and the new Lord Chancellor. They required no *dishonest* arts, however, to effect their certainly not disinterested object. As a spur to the King, it could be easily shown that the royal revenue

[1] Sir John Falconer was Master, and "one John Falconer" was Warden.

Digitized by Google

had been somewhat worse than mismanaged; and the new brooms, who undertook the Augean labour of cleansing the Treasury, would be well entitled to a liberal reward. Hatton, aware of the approaching storm, had hurried to London, relying much on the support of the Duke of York, whose permission he had obtained to come up. While there, the commission for an enquiry arrived in Scotland, addressed, says Fountainhall, "to Duke Hamilton, Perth, Tweeddale, Athole, Southesk, the Chancellor, Register, General Major Drummond, Gordonston, bailie Baird, &c.; all enemies to Hatton, *General*, and to Sir John Falconer, *Master* of the Mint. They proceeded, while Hatton was yet at London, to take cognition, by the declarations upon oath, of all the members and officers in the Mint; and, it is said, Sir John Falconer, in hopes to liberate himself, at least on promises that it would extenuate his own guilt, did go great lengths to load Hatton with misdemeanours and malversations, by investing the King's part of the emoluments of the Scots Mint to his own private gain. 2d., In making the fineness below the Standard. 3d., In coining 17,000 stones of copper money beyond the quantity contained in his Majesty's two warrants for the journeys. All which struck as much, if not more, against himself as Master, than against Hatton; yet he presumed his openness and ingenuity would procure him favour." The presence of the Treasurer-depute himself, to undergo the ordeal of an oath, was now loudly demanded; and Queensberry, who appears to have obtained a complete ascendancy over the Duke of York, as regards Scotland, had written strongly on the subject. The Duke's reply evinces, as many of his unpublished letters do, so much natural kindness of heart, (a quality of which Lord Macaulay would strip him entirely), that we must not curtail it:—

The Duke of York to Queensberry.

"WINDSOR, *June* 3, 1683.

"Soon after I landed, I received yours of the 20th of May; but what with his Majesty being indisposed, and my going to and again betwixt this and London, I have been in such a hurry that I could not write to you sooner than now that I am come hither. And even now

Digitized by Google

I have not so much leisure as to say so much as I have a mind to. But, to answer as much as I can of your letter. I shall follow the advice you gave me, and not offer anything to pass his Majesty's hand but what has been seen by the Chancellor or yourself, and shall take care that no new pensions, or precepts, be granted but to those you may remember I spoke of to you before I came from Scotland. As for what concerns Lord Hatton, I think he did very ill in coming away as he did, though he had my leave, since you and the Chancellor thought it necessary, for the King's service, he should have staid some few days longer. But, for all that, I did not think it proper to *send him back*, since he could not have been there so soon as was desired. For I could not have done it without speaking to his Majesty; and his Majesty falling sick the day after I landed, and it not being fit for me to trouble him with any business till he was quite well, it was too late to send him, the Treasurer-depute, to have been time enough for the meeting; and that being past, I thought it would have been *hard upon him*, that is looking after his private concerns with his brother, to send him away now till the end of the month. For by that time he will be able to see what he can do; for I believe his brother will not hold out much longer, being so very broken both in understanding and body. Besides, he says things may go on in his absence as if he were present. And pray do not fancy that the not sending him back, those things having happened as they did to hinder it, can be of any disrepute to you that are trusted with his Majesty's affairs; for you shall find I will stand by and support you. And let people have a care that they do not misbehave themselves to you his Majesty trusts, for they shall not find their account in it. I have not time to say more, but that you shall still find me as kind to you as ever."

"When Hatton came from London in the beginning of July," continues Fountainhall, "they proceeded very summarily with him, and urged him to depone as the rest had done; he refused, seeing no man is bound *jurare in propriam turpitudinem*, where the case may be criminal, nor to accuse himself; but he gave in a representation of the state of the Mint; they refused him a hearing, or a sight of the process, or the testimonies of the rest, that he might know what they had deponed against him," &c. While subjected to this severe measure of justice, or rather injustice, at home, the irresistible lever of Queensberry's correspondence with the Duke of York was working against him in London. On the 22d of July his

Digitized by Google

Royal Highness writes,—"I have received yours of the 15th, and cannot imagine why Lord Hatton should refuse to depone, since the other officers of the Mint made no difficulty of doing it. He had no assurance from me but that he should not be unjustly run down by his enemies, and I always told him the truth must be known. It seems he thinks he has need of a new remission; for his son had, I must call it the *indiscretion*, to press me, two days since, for a new pardon for him, even now before the Commission has made their report. I told him it could not be done, and wondered very much at its being proposed."[1] As might be expected, the report amounted to a sweeping condemnation, and the King ordered all the officials of the Mint, great and small, to be brought to trial. The first royal order (August 31, 1682) "suspended and deprived them all; and put a stop to the coinage till further order; and ordained his Advocate to insist against them, either criminally or civilly, before the Council, as he saw just." This order was superseded by a second (November 7, 1682), "bearing, that where his Majesty had formerly ordered them to be pursued for their malversations before the Privy Council or the Justice Court, now he had altered his purpose, and ordained his *Treasurer* and *Advocate* to insist against them before the Lords of Session; and in regard John Falconer, late *Warden* of the Mint, was omitted in the former order, and yet from the report it appeared that he was as guilty of malversations as the rest, therefore he ordained him also to be pursued with the rest. John Falconer, on the news of it, died suddenly of *creve-cœur* at his house of Phesdo." The fact is, John Falconer hanged himself, as Fountainhall afterwards intimates; an episode which told in the case very much to the same effect that Essex's cutting his throat in the Tower, told in the more terrible accusation of the Rye House Plot.

This famous quasi-criminal case was elaborately debated before the Lords for a whole week, from the 19th to the 26th of January 1683. Their decree was pronounced upon the 20th of March thereafter. Between these two latter dates it was, that Claverhouse, having shaken off Sir John Dalrymple, and

[1] *Queensberry Papers.*—Hatton's son was then Lord Justice-Clerk.

Digitized by Google

obtained his own triumphant acquittal, started for Newmarket, carrying dispatches to the Duke of York. But although the *decreet of the Mint*, as it was called, had not yet been pronounced, the issue was far from doubtful. It was well known, among those interested to know it, that the malversation and peculation were held to be proved, and that a vast sum of money would immediately be at his Majesty's disposal, from that melancholy source. In fact, the Lords "found the sum, they were all liable in to the King *conjunctly*, was *seventy-two thousand pounds sterling*, for which they decerned against them all *in solidum*."

That the unfortunate ex-Treasurer-depute—now become, by the death of the Duke, on the 24th of August 1682, the third Earl of Lauderdale—had no such sum in hand, and no means of raising it, may be readily supposed. But eleven years before, in the zenith of his fortunes, the King, as *ultimus hæres* in the lands and lordship of Dundee and Dudhope, had gifted him with that great estate, including all its privileges and casualties, and in that quarter the falling house of Lauderdale was squeezable enough.

Claverhouse, as we have said, looked, and justly, to a high recompense for his arduous and eminent success in restoring peace, order, and personal safety, in the South of Scotland. And the more so, that it really seemed, at the time, as if his exertions in 1682 had destroyed for ever the fanatical hopes, of a rebellion in Scotland through the covert means of the truculent Conventiclers. As donator of the Crown in the forfeited estate of Freugh, he was accountable to Government for more than it was easy to extract from its wasted acres, to pay that and the expenses of collecting. But the house and parks of Dudhope lay temptingly contiguous to his own paternal inheritance in Forfarshire; and the Constabulary of Dundee was an heritable jurisdiction infinitely more to his taste than the Bailiary of Glenluce, or the stormy Sheriffships and Stewartries he had held in the South. The Duke of York's Chancellor, and favourite, was the statesman expected to be chiefly *lucratus* by the ruin of the General of the Mint. Queensberry, though recently made a Marquis, longed to be a Duke. Claverhouse, now on the most familiar terms with

Digitized by Google

both, undertook to plead the case for these magnates to the Duke of York in person, they befriending him in the matter he coveted for himself.

This sounds worse than it really was. Lauderdale had been harshly, severely, and not always fairly dealt with, in the progress of his prosecution. But he was not unjustly condemned; and his fine, which came to be greatly modified by Charles, was fair game for expectants. In those days, the fortune of one statesman generally rose from the ruin of another. Claverhouse stood fairer still, in this matter of the Mint. He was conscious, as indeed were all his great contemporaries, that Government now required his services, not merely as a soldier, but as a statesman. He had proved himself equal to the position. The reward he claimed was nothing very exorbitant, for its money equivalent was just four thousand pounds sterling. Then, in the prosecution and fall of the Lauderdales, Claverhouse had no hand whatever.

But we must not disguise, that when our hero left Scotland for Newmarket, on the 1st of March 1683, (twenty days before the *decreet of the Mint* was issued), he already snuffed, not afar off, the flesh-pots of Dudhope and Dundee. In fact, he had talked the whole matter over, privately and confidentially, with the Lord Chancellor and the Lord High Treasurer, immediately before leaving Scotland. Viewed, at this time, in the vile pages of Wodrow, he is riding about Galloway, making "Scots Worthies" by bushels daily, or devouring scores of delicate females and tender boys, like the Ogres in Jack-the-giant-killer. Truly, he was riding post to Newmarket, revolving in his mind the opening prospect of statesmanship for himself, with certain family secrets, confided by the first Earl of Aberdeen, and the first Marquis of Queensberry, *altâ mente reposta.*

The latent circumstances attending his first campaign at Court, although they have never hitherto entered the mythical accounts of the career of Claverhouse, we obtain from his own statement upon oath. The Earl of Aberdeen's joint administration of the affairs of Scotland along with Queensberry, lasted some two years, when the wheel of fortune turned against him, and he was deprived of the Chancellorship. Lauderdale and

Digitized by Google

his son, Lord Maitland, seized the opportunity, while their old enemy was being mobbed in his turn, to raise a reduction of the *Decreet of the Mint*, by which they had been so terribly rooked. The attempt was a desperate one, and did not eventually succeed. But long and dire was the struggle; and Fountainhall says, that in this protracted debate, "there were more gross reflections, both among the parties and advocates, than had been licensed in any cause before." His further reflection on the case, will suffice to show the nature of Lauderdale's pleas:—"Aberdeen's design, in zealously carrying on that *Mint decreet*, was with an eye and prospect to get the benefit of it to himself; and therefore the Clerk-Register then gave Lauderdale a watchword, to remember they were his enemies whom he should see *get the pelf;* and that Aberdeen stopped their remission, and caused the Earl of Perth propose to the King that he might be rewarded out of the fine of the Mint; and he carried on all the trial before the Committee, and wrought up the Lords of Session to comply with his interlocutors therein." It was Claverhouse, however, and not the Earl of Perth, who undertook the delicate mission.

Judges and Statesmen were called as witnesses in this violent cause, which passed like a tornado across the rugged brow of Justice in Scotland. Colonel Graham by this time (1685) a Privy Councillor, was examined in support of some of Lauderdale's averments, and his deposition refers back to the commencement of the year 1683, when he left Scotland for Newmarket, as already narrated:

Deposition by Claverhouse.—1685.

"Colonel Graham, to the 1st and 2d *Depones*,—That the Earl of Aberdeen, then Chancellor, and the Duke of Queensberry, Lord Treasurer, employed the deponent upon some public accounts; and, at the same time, the deponent was employed by them to move the late King, and King James, then Duke, some things relating to their present private affairs; and particularly for a gift in favour of the Earl of Aberdeen of a thousand pounds sterling a-year, or twenty thousand pounds sterling which was thought to be the equivalent: And before the deponent went out of Scotland, being about the end of February 1683, he went to my Lord Treasurer's lodgings, and had his allowance upon

Digitized by Google

the matter as to the *quantity:* After which the deponent went to my Lord Aberdeen, and acquainted him with it, and communed with him upon the different funds that it could be made out of; and, amongst others, that of the *Mint.* But whether or not Aberdeen, or the deponent, proposed it first, the deponent cannot be positive; but remembers, particularly, that, when the deponent proposed that in case the lands of Dudhope were taken from the Earl of Lauderdale, the house, parks, and constabulary of Dundee should be given to the deponent by the King, the Earl of Aberdeen answered to this purpose, that he should be very well content, but that he heard it will be little useful to either of them, because they (the Maitlands) were resolved to part with nothing. However, he allowed the deponent to ask that gift of twenty thousand pounds sterling as freely out of that fund as out of any other: And, accordingly, the deponent, when he came to Newmarket, where the late King, and King James, then were for the time, did represent to the King (and then Duke), the services of the Earl of Aberdeen; and endeavoured to persuade His Royal Highness to gratify him with some considerable gift, and particularly with twenty thousand pounds sterling; and told his Highness that several funds might be found for it; such as the *fines*, and the *Decreet of the Mint;* all which His Royal Highness heard, and said he would speak to the King about it: And, as far as the deponent can remember, he said further, that when my Lord Middleton came he would see something done; and this the deponent did signify from Newmarket by a letter to the Earl of Aberdeen, the 13th of March 1683: And depones, that when he spoke to the Earl of Middleton to favour himself anent the house and parks of Dudhope, the Earl of Middleton answered, that he could not do it without Aberdeen's consent; and said something as if he had been someways engaged to him in it: And so soon as the *Decreet of the Mint* came up, the King having given warrant of before, a letter was drawn by the advice of the Earl of Middleton, and the deponent (who best knew the lands and the nature of the gift), ordering the Earl of Lauderdale to dispone the said lands, as is more fully expressed in the letter for that effect directed to the Lord High Treasurer: But, withal, the deponent declares, as far as he remembers, he had no advice from the Earl of Aberdeen thereanent; but, after he gave him an account what was done, he had his approbation.

"The deposition bears,—That Aberdeen had written to the deponent several letters, wherein were *public* concerns, which he produced, but only read those parts thereof that concern *this affair.*

"The *first* letter is without a date, and bears these words: 'I hope

Digitized by Google

you do not think I am less sensible of your kindness, that I doubt of the effects of *the Mint* affair, since both the Earl of Middleton and yourself are of a mind, and say only this, that I could not do half so much for myself were I present.' This letter makes mention that Aberdeen had received one from the deponent of the last of March (1683).

"The *second* letter is dated the 14th of April, thus: 'The Duke has asked no opinion of me but [*about?*] what he should do in the affair of the *Mint*, and [*it is?*] hard to give you advice at this distance anent it; not knowing what may be his Majesty's, or the Duke's purpose therein; further than that you should cheerfully comply with what you see is their inclination.'

"The *third* letter is dated the 24th of March; which being torn, there could be no more read of it than follows: 'I could not but let you know, that I would be very well satisfied in what you do for yourself anent the house and jurisdiction you wrote of, and do thank you for your care in my concerns. I think that project will be little useful for you or me; for they are resolved to part with nothing on that account.' And, upon the other side of the same piece of the torn letter, so far as the deponent can make sense thereof, it's to this purpose: 'I shall answer your letter more particularly by the next. The lands about Dundee, and the rest, are not of that valued rent you write, and Tweeddale leads the teinds of Innerkeithing; nor would I have so much stress laid upon that project. If his Majesty should please to make effectual for me that which you name, in any way he thinks fit (which the deponent thinks he meant to be the twenty thousand pounds), I shall think myself very much obliged to my Lord Middleton and yourself, and am very well satisfied with your own success that way.'

"To the 7th depones, he never heard his present Majesty tell his own thoughts concerning my Lord Aberdeen, his being both judge and party; and what has passed besides in discourse betwixt the present King's Majesty and the deponent, the deponent conceives he is not holden to give an account thereof.

"Colonel Graham, in answer to the 8th interrogatory, anent the bargain between the Earl of Aberdeen and the Earl of Mar, depones, That the deponent might have said such a thing, as is mentioned in the interrogatory; viz.—That the deponent was afraid the Earl of Mar was like to lose the governorship of the Castle of Stirling, or his regiment, if not both; but depones, that if he said it, it was out of no knowledge of any designs the Earl of Aberdeen had to prevail with the Earl of

Digitized by Google

Mar to part with several superiorities in the north, in his favour, or his threatening him with the loss of his regiment, or keeping the Castle of Stirling, or tack of the Lordship thereof, upon account of these superiorities, and knew nothing of the transactions betwixt them, anent the said superiorities." [1]

Such is Colonel Graham's own account of the private mission with which he was charged by Aberdeen and Queensberry, along with the public dispatches which he carried to Court in 1683. We may now return to his correspondence with the Lord High Treasurer at the time.

Claverhouse to Queensberry.

"NEWMARKET, *March the* 13*th*, 1683.

"MY LORD:—Last night, so soon as I received your Lordship's, I went to the Duke, and acquainted him how much you were concerned to know his thoughts of you; upon which he very kindly and frankly told me, so well he was satisfied with you, that he had that very afternoon been making his *vaunt to the King*, of having made choice of so good a man; and that the King was very sensible how good service it was. And I may assure your Lordship, upon all occasions you will find the effects of it. The Duke is so proud of the success of our affairs, that he very justly attributes to *himself* the rise and beginning of all; to his sending me, *contrary to the opinion of most except your Lordship and a few others*, with those commissions into Galloway; and the King is very resolved that it shall be followed; and all here magnify what you do, and say it is a good copy [for] them, and the noise of it serves to keep their affairs right.

"Lieutenant General Drummond has pressed his affairs here, but the Secretaries are not pleased with his usage of them. He treats them cavalierly.

"My Lord, I have assured my Lord Murray here, and my Lord Middleton,[2] of your Lordship's friendship, and the Chancellor's, and

[1] Printed Abbreviate of the evidence in the Earl of Lauderdale's Process against the Earl of Aberdeen, 1685.—*Advocates Library*. In the Mint prosecution the first Earl of Aberdeen shows very ill indeed. But nothing is brought out against Claverhouse beyond what he himself depones to above.

[2] The joint Secretaries of State for Scotland. Earl Murray had superseded Duke Lauderdale in that post, and Middleton had been conjoined with him, on Duke Lauderdale's death. Lieutenant-General William Drummond was the youngest son of the second Lord Maderty. He became Lord Maderty in 1684, and was created Viscount Strathallan in 1686.

Digitized by Google

they are both mightily inclined to live in an entire correspondence with you. If they have anything to do I hope your Lordship and my Lord Chancellor will assist them, and I am sure they will do the like to you both. And I beg your Lordship to tell my Lord Chancellor that it will be both your advantage and theirs you live well together; and I see it is the King and the Duke's inclination. I hear the rest of the people of the Government are *alarmed*, and think I will represent them as *useless*. I cannot imagine how they come to think so. It is very hard to do anything either with King or Duke; for the Duke hunts, besides going wherever the King goes. I beg your Lordship will speak to the Advocate, or any uses to write here, not to disconcert our affairs by writings things I know not of. But nothing as from me. My Lord Chancellor I know will communicate all I write to him to you. Though there be no need of doing you good offices here, I do, as I ought, your Lordship all justice wherever I come.

"I am, my Lord, your Lordship's humble and faithful servant,

"J. GRAHAME."

"My service to my Lord Kinnaird. My Lord Tumont [Thomond?][1] is ill; he cannot be here. My Lord, I forgot to tell you how sincerely Sir Andrew Forrester[2] is your Lordship's servant."

Claverhouse to Queensberry.

"LONDON, *March the 20th*, 1683.

"MY LORD:—We have all reason to complain, that you did us not the favour to communicate to us the design to have the company of dragoons for Kelhead,[3] for it had almost gone wrong. The Duke thinks the army his own province, and that he understands both the men and business of it better than anybody; and he has his own maxims that it is hard to put him off; and I am sure had *the Council* desired him to put that troop by the Captain Lieutenant, he would hardly have done it. He told me it was *his due*, and having received wounds in the service he could not put it by him; and the more he would do it that he was *recommended by nobody*.[4] My Lord Duke Hamilton wrote

[1] Lord O'Brien who lost his life in the shipwreck of the Gloucester frigate, when coming to Scotland with the Duke of York in May 1682, was grandson and heir of Henry, seventh Earl of Thomond.

[2] Sir Andrew Forrester was under Secretary of State for Scotland.

[3] Sir James Douglas of Kelhead, Baronet. He was grandson of the first Earl of Queensberry, and was married to the sister of the Marquis, Claverhouse's correspondent. The present Marquis of Queensberry is of the Kelhead branch.

[4] This was much to the credit of the Duke of York, and not much to that of

Digitized by Google

for another, and was certainly seconded by his friends here, but to no purpose. However, after both Secretaries had been refused, and I too, we made a second attack, wherein they both showed themselves mightily concerned; and we prevailed with him that Kelhead should either get that company, or Inglis immediately turned out, and he get that. The Duke, I believe, was not pleased that Kelhead refused the Cornet's place after he had sought it. And I am informed that the Duke asked my Lord Dumbarton if Readhouse had served in his regiment, and he said not; which wronged his business; and had not the Duke been apprehensive that you might have thought this refusal had been the effects of the ill offices you *suspected*, I doubt if it would have been done. But I shall tell both your Lordship and the Chancellor what the Duke's method is, as to the disposing offices in the army, at my return.[1] There was a little debate about Stenhouse's business,—why he needed a presentation from the King; if the Chancery could not have given him a brief for it? But it is ordered.[2]

"My Lord, I am mighty glad to find the Secretaries so much your servants. They have no less kindness for you, both, than you have for one and other; and taking them along facilitates mightily affairs here. My Lord Middleton particularly thinks himself obliged to serve you. So let there be frank dealings on both sides. He tells me your Lordship has generously offered your assistance to him, and given him leave to talk to me about his business. I find he has run himself in debt by this marriage,[3] and furnishing himself of necessaries for a family, to about two thousand pounds; and I think less nor *three* cannot be offered him; and, seeing the fines are coming in, though he got *five* it were well bestowed. This would be generous in you; all honest men would commend you for it; and it would secure a friend here for ever that has great interest, and is a firm and real friend where he professes it. My Lord Chancellor, I am sure, will approve it upon many accounts, and particularly seeing he is so concerned for his business here.[4] I dare swear, nothing in my Lord Middleton's power here but

Claverhouse, and Secretaries Murray and Middleton, who were persuading the Duke against his juster judgment, for the sake of currying favour with the Lord High Treasurer, who held the purse in Scotland.

[1] From the sample afforded by Claverhouse in this letter the Duke's method appears to have been better than his own; and His Royal Highness would seem to have allowed himself to be to persuaded out of a just intention for a very bad reason.

[2] See before, p. 259, *note*.

[3] This Earl of Middleton married Lady Catherine Brudenel, a daughter of the Earl of Cardigan.

[4] Alluding to the "Christian liberty," which Lord Aberdeen had allowed Claver-

Digitized by Google

he would do for your Lordship as for himself; and it is wise to oblige Airly. Let me hear from you with the first in this particular, because my Lord Middleton is impatient. My Lord Chancellor will show your Lordship mine to him, by which you will see *all is done;*[1] save only my Lord Chancellor's business, which is resolved, and only is delayed till the state of the Mint come up. It is not safe I part till it be secured. So, my Lord, I expect to have the account of my Lord Lauderdale's business shortly, and your pleasure in it.[2]

"My Lord, I have written to my Lord Chancellor about a business concerning myself, of which he and I talked before we parted, as my Lady Errol will tell you. I must beg your Lordship's assistance in that business of the lands of Dudhope. My Lord Chancellor designs nothing but to sell it, and buy lands in the north, seeing he is to get Stirling Castle to dwell in. Wherefore I desire leave to ask the house of Dudhope, and the Constabulary, and other jurisdictions of Dundee belonging to my Lord Lauderdale; and I offer to buy forty chalders of victual, from my Lord Chancellor, lying about it,[3] though I should sell other lands to do it. I have no house, and it lies within half-a-mile of my land; and all that business would be extremely convenient for me, and signify not much to my Lord Chancellor, especially seeing I am willing to buy the land. I would take this for the greatest favour in the world, for *I cannot have the patience to build and plant.* But, my Lord, I should rather make use of this occasion to thank your Lordship for what you have so generously proposed for me to the Duke, than ask new favours. I hardly could have thought you could have remem-

house, to obtain for him a grant of £20,000 sterling. Our hero appears to have been even a better beggar for others than for himself. It is both amusing and humiliating to see how they were all begging. On the 19th of February 1683, George 8th Earl Marischal writes to the Chancellor,—"Being informed there is a considerable sum taken up, off such as would not give obedience to the law, I hope, by your Lordship's favour and recommendation, *I may have a share.* You were pleased to speak of this to me. Your Lordship knows I was ever ready to serve the King whenever an opportunity offered."—*Aberdeen Papers.* That is more than was the brother to whom he succeeded, who played shamefully false to Montrose and Charles the First.

[1] Claverhouse had already written to the Chancellor how he had sounded the Duke of York for a Dukedom to Queensberry, and seemingly with success. Of this afterwards.

[2] The decree against Lauderdale and the other officers of the Mint was pronounced in Scotland of the same date as the above letter, 20th March 1683.

[3] Meaning the land bearing so much, which he proposed to buy at a valuation. The house and parks of Dudhopo, and heritable jurisdictions of Dundee, he expected to receive out of the spoil of the Mint delinquents, as a reward for his public services. Of this afterwards.

Digitized by Google

bered that of the two years' purchase. The Duke assured me he should have that, and what your Lordship recommended about my being on the Council, done before I part. My Lord, I am sensible, as I ought to be, of so much goodness, and lose no occasions here to do you any little service you allowed me. I am sorry that you honoured me with no greater things, for I think nothing could or should be denied you.

"I am, my Lord, your faithful and most humble servant,

"J. GRAHAME."

The "little service," here so disparagingly mentioned, and which Claverhouse had already commenced to render Queensberry at Court, was anything but a trifle, and the careless tone of the allusion is somewhat amusing. As a make-weight against the whig influence of the Duke of Hamilton, Queensberry's fast-and-loose brother-in-law, our hero conceived the project of obtaining a Dukedom for the Lord High Treasurer, although he had just been created a Marquis. Of course, he knew well that the higher dignity was next the heart of his illustrious patron; for his predecessors in the Premiership, Lauderdale and Rothes, had each been crowned with the much coveted strawberry leaves. But to ascend the ladder of nobility at such a rapid pace, was an ambition which even the great Lord of Sanquhar and Drumlanrig felt some diffidence in directly displaying. When the impetuous Claverhouse brusqued the matter, by volunteering to be the instant medium of proposing it to the Duke of York, as a measure of state necessity, in reference to the disease of chronic rebellion which had so long tormented the South and West of Scotland, the cautious Queensberry coquetted with the soft impeachment like the ancient fair at the advances of the Bold Dragoon. Such an idea, he said, was beyond his merits, and his ambition; the proposition would do him more harm than good; and so he laid his imperative commands upon this lion's provider, to desist from any attempt of the kind, and not even to allow the secret of such a scheme having been mooted by him to pass his lips. Claverhouse understood this, and went to the Chancellor. The new northern peer was not so squeamish. To use our hero's own phrase, he allowed him "Christian liberty" to make Queensberry a Duke if he could, providing always that he obtained at the same time twenty thousand pounds

Digitized by Google

sterling, to support the Earldom of Aberdeen. Our friend of the "long sword, saddle, bridle," now saw his way to Dundee and Dudhope, with a peerage rising to himself in the dimmer distance. Not a moment did he pause upon this grand conception, worthy of the ardent genius who had threatened to box Sir John Dalrymple's ears before the Privy Council. Imagine him whistling all this to himself, as he posted at a swinging trot, on the first of March 1683, from merry Carlisle, to join the King and the Duke in their walks, "courses, and cockfighting," at Newmarket! Without taking any one else into his counsels, he lost no time in submitting the scheme to the royal Duke, who received it so favourably, that before the 20th of that same month of March Claverhouse considered himself warranted in writing to the Lord Chancellor as if this elevation of Queensberry to a Dukedom was already accomplished. Meanwhile, the longing Treasurer was ever and anon dispatching a private missive to his gallant emissary at Court, one of which arrived so *apropos* to admitting another influential party into their confidence, that Claverhouse no longer hesitated to impart the secret.

This premised, by way of prologue, we may turn for the rest to his own dramatic description of one of the most extraordinary scenes of aristocratic and political jobbing that was ever accidentally disclosed, in after years, to vulgar observation. The curtain rises, and discovers our hero *tete à tete*, immediately after dinner, with a Secretary of State for Scotland, both, doubtless, lustily "birlin' at the wine."[1] But he shall tell his own story.

Claverhouse to Queensberry.

"London, *March the 29th*, 1683.

"My Lord:—I was at my Lord Middleton's, dining, when your last came to my hands. Immediately after dinner, notwithstanding all the orders of secrecy you have so strictly given me, I ventured, talking

[1] That Claverhouse was not given to wine, like Rothes, and many others of his contemporaries, we have the evidence of one of the most bitter of his vulgar maligners. See before, vol. i. p. 2. But he was of a social disposition when with his aristocratic friends; and Charles, second Earl of Middleton, was not a man to discuss an interesting subject, after dinner, without a flask of good wine before him. The Lord Advocate, writing to the Chancellor, Aberdeen, from Edinburgh, in Sep-

Digitized by Google

of the state of things, to tell him how necessary it was that *some persons*, whom I named,[1] *should have equals;* and finding he entered into the same sense, I pursued it further, and told him that I had already sounded the Duke, and had not found him averse. But, withal, I told him, that my Lord Treasurer, when I parted, had not given me the least order to that purpose; but, on the contrary, when I told him that it was proper for him, and offered him my service, he positively desired me, if I tendered his interest, not to meddle with it; but that my Lord Chancellor had left me *Christian liberty*. After having reasoned the business, and prepared against all difficulties might be objected, we went to St. James's, when we desired the Duke to speak with leisure with him. Upon which he took us into his closet, and having, for introduction, begun with the Mint business, and my Lord Maitland,[2] we fell immediately on your affair. The Duke proposed difficulties. We discussed all, and convinced him, and made him acknowledge it, after having given many arguments from different heads; and then we tossed the business from hand to hand [so] that we brought him *quite about*. Then it was concluded my Lord Huntly *must also be*.[3] Then my Lord Middleton spoke of the Register. It was not my part to oppose anything that was proposed for a man had often done me kindness; but, on the other hand, I will take it on my salvation that I never heard of it till that afternoon. Nor believe I the Register expects it at this time. But it seems there has been something betwixt them when the Register was here. The Duke seemed very inclined, and said, "Is it *an Earl?*" and would have let it pass, as I thought; but my Lord Middleton said, "No, but *a Viscount.*" Upon which the Duke undertook to endeavour it all with the King. We had the frankest conference that I believe ever was; and his Highness expressed a great deal of kindness to you all. My Lord Register is to be made

tember 1682, says,—"The Register has done you great service, and with great kindness; and he, and I, and *Clavcross* did this night *remember you very kindly:* I hope you will deserve it at our hands."—*Aberdeen Papers.*

[1] The Duke of Hamilton, and perhaps also Monmouth.

[2] Hatton had procured his eldest son (who became Lord Justice-Clerk and Lord Maitland), to be joined with him, though then but a youth, in the office of General of the Mint. This involved him in the whole responsibilities, and result of the prosecution, although he had never taken any charge of the affairs of the Mint whatever. Both the King and the Duke considered this a hard case against Lord Maitland, and were unwilling that he should be involved in the consequences of the malversation of others. Accordingly, he continued to be Lord Justice-Clerk for some time after his father's deprivation and condemnation.

[3] That is, also created a Duke.

Digitized by Google

friends with your Lordship, and I am to bring orders about it.[1] You will have no reason to complain of the way, and that business of Maitland is to lie over till then.

"My Lord Middleton and I wrought all we could at the Muster-master business, but never named the designed successor. But it *would not do*. He told us, laughing, that we would all be as great tyrants as my Lord Lauderdale was. And, *let you alone*. He has his own maxims and politics. But all was very friendly he said.

"Inglis' business will do; but, withal, he would not hear but Cleland should be the first Captain. We shall not give over till we have brought it [the title] to a close. Or, it will fail at the King, which I hope not.

"My Lord, I hope you will pardon me for putting my Lord Middleton on the secret. It does not concern you, seeing he thinks it is without your knowledge what we do; and that it is mainly on the public account we do it. My Lord, it had been better for me to have had all the honour of doing it *alone*, as, by my last to my Lord Chancellor, you will see in all appearance I might have done. But if your business be done I shall be content, without considering who get the thanks. My Lord Middleton is most sincere both to your Lordship and to the Chancellor. Wherefore I think you have thought of *too little* for him; and on an *ill fond*, seeing my Lord Chancellor is before him.[2] The *fines and forfeitures*, if your Lordship please, will do better.

[1] The quarrel appears to have been one of Queensberry's childish fits of jealousy. On the 4th of April 1682, the Lord Register, Sir George Mackenzie of Tarbat, thus writes to him :—

"My Lord :—This day I had accounts from London, that you said I had misrepresented you. I can neither guess wherein, nor to whom. For I remember not that I writ to any except to His Royal Highness, the Earls of Perth, and Middleton; and if anything was said that, directly or indirectly, touched your Lordship with the least disrespect or unkindness, it's more than was in my intention, and, I presume, than could be wrested from my words. I admire what hath brought this misconstruction, of all the world. Nor do I mind that I did write of a subject that could bear such a thing. So my Lord, I intreat your justice, to know what or how this is; for in conscience it's without the verge of my conjecture. I thought we had parted on terms distant enough from the like; and my endeavours being always bent to reconcile, and bring those who were in bad understanding to a better, is not consonant with misinforming against one whom I look on as every way fit to advise the King; and whose friendship I coveted, and told more tending to this, to yourself, than I use to do any. My Lord, I am so little guilty of this, that unless I judged it unworthy of you, I could not but conjecture it were a *sought for* offence, though never given by, my Lord, your very humble servant, Geo. M'Kenzie."

"My Lord, I had other subjects whereof I intended to write, but this set them off at this time."—*Queensberry Papers.*

[2] The "ill fond" (foundation), means the fruits of the *decreet of the Mint*, out of which Lord Aberdeen, who presided over the whole proceedings, and anything but fairly, claimed £20,000 sterling as his own reward.

Digitized by Google

"My Lord I promise to myself that you will persuade my Lord Chancellor to consent to my getting Dudhope and the jurisdictions; which cannot wrong him, seeing I am willing to buy a part of the lands. My Lord I have written this in a great haste, I doubt if you will be able to read it.

"I am, my Lord, your Lordship's most humble and faithful servant,

"J. GRAHAME."

The distribution of these prizes, however, upon the occasion of this great ministerial crisis, was not so easily accomplished, either for his friends or himself, as the Sheriff of Wigton and Dumfries had imagined. There was much between the cup and the lip, both as regards the Dukedom of Queensberry, and the Constabularyship of Dundee. Having received another hint from the impatient High Treasurer, he again writes to him on the subject, in a less sanguine strain:

Claverhouse to Queensberry.

"LONDON, *April the* 10*th*, 1683.

"MY LORD:—I delayed giving any answer to yours of the 29th of March, waiting for an opportunity to speak with the Duke, or rather to see if he would say anything to me concerning your Lordship. But having yesterday received yours of the 3d of April, I thought not fit to delay it any longer. I went immediately to the Duke, who gave me occasion to speak to him at full length. First I showed him that paper about the feu-duties, which he read all over. I showed him, that if there were any persons concerned therein, to which there needed be any regard had, it was for so inconsiderable sums, that it would be no ground of complaint; besides, that it was all the King's right, though neglected heretofore by those intrusted in the Treasury affairs. I read some parts of you letters, I thought proper for several subjects, to the Duke. He approved of what was done, desires your Lordship to go on, and looks on it as good service. After that, I told him that I had given your Lordship account of what had passed betwixt his Highness, my Lord Middleton, and me, concerning your affair, and that I had received a return full of gratitude, and the sense of so great an obligation to his Highness; I hoped he had not forgot to press the King to it? He told me he had used all the arguments he could to persuade the King, but that he could not move him to it. I did alledge that I

Digitized by Google

feared the King, or he, must have been diverted from it by English counsel; and thereupon took the liberty to tell him, in a respectful way, how unsafe it were to take measures from people that could not know our business, nor the circumstances of our affairs. The Duke very fairly denied all; but told me the King had been so vexed with the nobilitating people here (for when the door was once opened all would be in), that he could not willingly hear anything upon that subject. I will say, without vanity, that nothing was unsaid that could make for the purpose. But the Duke in end told me it was *impossible*. I told him then, that in all this *I* have only reason to complain; for I was very sure that both the King and he would be at last convinced how much it was their interest, and would certainly do it, and I would be so unhappy as not to be the bearer. Upon which the Duke told me, that he thought sometime after the King might be brought to do it. I desired he would be so good as to write to you, or the Chancellor, to that purpose. He told me there was no need now, but that he would do it when I went down. I think I need not tell your Lordship how concerned I was. If it had been for my life I could do no more. But, my Lord, I hope you will bear patiently a little delay; for, if I understand anything, it will *certainly do*,[1] and at meeting will tell you more fully my own thoughts, which will fully convince you. I shall do my best [*letter torn*] Duke to write as clear and plain as [*letter torn*]. Take not this little stop in ill part. For the greatest men in England are glad to get it after *many pulls*. Therefore continue cheerfully your endeavours in the King's service, and it cannot fail. The Duke told me that he found my Lord Chancellor mightily inclined it should be. He may renew the attack when he pleases. My Lord Middleton will be always ready, who is of the same opinion with me in all this affair.

"I have not spoken to the Duke concerning the blank commissions; but I fear he will be unwilling to give a commission without he be sure to whom. If you design any body else, that he declines it, we will get in any body's name you please.[2]

"The commission anent the Excise is gone several days ago. The Duke had an account by my Lord Advocate of what passed in Exchequer concerning the Town's business, which he read all over to me.

[1] And so it certainly did, about eighteen months afterwards.

[2] So it stands in the original, the sense being somewhat obscured by the phraseology, hurriedly written; manifestly, however, the meaning was, to take the patronage of the army in Scotland out of the Duke of York's hands, who, nevertheless, appears to have had a juster sense the proper disposal of it.

Digitized by Google

It was fair enough; rather designed for to magnify his own part than wrong or lessen others.

"I saw nothing, that the Duke suspected the least difference betwixt the Chancellor and your Lordship. Something he understood concerning my Lord Tweeddale, and I said what I thought proper to hold him at that.

"It was only from the Duke himself that I knew of your Lordship's recommending Kelhead. The Duke told me yesterday that you have recommended my Lord Ross for to be Lieutenant-Colonel to my regiment, and that he had given you answer that there ought to be none in horse; which I told my Lord Chancellor before I came away. I find the Duke will be content he be Major, and I did not at all oppose it, because recommended by your Lordship; though I have some reason to take a little unkindly, in my friend, my Lord Ross, that he should endeavour any alteration in the regiment without letting me know it.[1]

"My Lord, I think I gave your Lordship account, how that the King had commanded me in his name to write to your Lordship, and my Lord Chancellor, that he might have from you a particular account of my Lord Mar's right to the Castle and Lordship of Stirling. For he is resolved not to suffer any heritable command there, if there be any way in law to hinder it. There is nothing I see the King so concerned in, as in that place. Wherefore, my Lord, I beg you will hasten up the account of it; seeing it is the only thing the King himself has desired of a long time. The paper you sent up, I shall take care to keep till meeting.

"I am, my Lord, your most faithful and most obedient servant,

"J. GRAHAME."

[1] The Duke of York thus writes to Queensberry, from London, March 27th 1683, while Claverhouse is at Court:

"Now that I am come to this place, and have leisure, which I had not at Newmarket, I shall answer many things which were in several of your letters; and so begin with what Lord Ross proposed, to be Lieutenant-Colonel to *Clavers*. It is what cannot be; there being to be no such officer among the horse in any of his Majesty's Kingdoms. If he have a mind to be Major, I will then move his Majesty for him, and that one man may be reduced out of each troop, or what is necessary to make up that pay to him. As for what you proposed concerning *Clavers*, I think it very reasonable; and when he goes back he shall inform you what is resolved concerning the dragoons; by which you will see there has been care taken of one of those you recommended."—*Queensberry Papers.*

The Lord Ross mentioned, is the son of the Lord Ross who commanded the troops in Glasgow at the time of the affair of Drumclog, and who died not long afterwards.

Digitized by Google

"There will be wars immediately betwixt Sweden and Denmark, which will draw in all the rest. Conte de Roy goes General for Denmark."

This latter dispatch had not been so satisfactory to the Treasurer, who appears to have fallen into another fit of jealousy and suspicion.

Claverhouse to Queensberry.

"LONDON, *April the* 12*th*, 1683.

"MY LORD:—I hear nothing more of the town of Edinburgh's business, nor nothing that followed on it. So I say nothing either; but if *you* do, I'll know how to give things a right turn. Nor is there need that you *take so easily alarms*. The Duke will not so easily alter the opinion he has of you. I told him what diligence you were using concerning the Excise commission. I cannot yet give answer as to Kelhead's business. I suppose there will be nothing done in it till Captain Inglis either demit, or be tried. I find the Duke thinks Meldrum *most proper* to be Major; but will not condescend to put him over an older captain's head that is a man of quality, though I endeavoured to persuade him to it. In these things it is hard to impose upon him; wherefore I told him it would be best to *let alone altogether*, that we may see if time can bring it about. I know not well what he will do in it, but I suppose he may take advice.[1]

"I spoke to him also about Gilchrist, and told that before I received your Lordship's I had persons in search of him. I was this morning, by the Duke's order, at Sir Leonald Jenkins about that affair. When I learn anything of it I shall give you notice.

"Sir John Cochrane treated both Secretaries, my Lord Arran, and Lord Charles Murray, at the George and Vulture; but I find neither of the first have any kindness for him. I have received from my Lord Chancellor the state of Stirling, and have given him account of our opinion here, which I suppose he will acquaint your Lordship with.

[1] Accordingly, neither Lord Ross, nor Adam Urquhart of Meldrum were appointed, and Claverhouse had no Major imposed upon him at this time. When he uses the expression, that it was "hard to *impose* upon" the Duke of York in such matters, we must not understand the phrase in its odious sense of *cheating*; but to impose an opinion or resolution upon him contrary to his own wishes and judgment. In the following year, the Duke of York appears to have waived his objection in favour of Queensberry's eldest son. Fountainhall records, under date 15th July 1684,—"Drumlanrick is made a Privy Councillor, Captain of a troop *to be levied*, and *Lieutenant-Colonel to Claverhouse*."

Digitized by Google

That will be a mighty augmentation of the Customs you speak of. I shall let the Duke know of it.[1] All other things in your Lordship's letters I take care of according to directions.

"I am, my Lord, your Lordship's most faithful and most humble servant,

"J. GRAHAME."

"My Lord, the inclosed paper I designed to have kept till meeting, conform to your first letter; but now I send it down as you desire by your last.

The Duke of York to Queensberry.

"WINDSOR, *April* 24, 1683.

"His Majesty is now come to a full resolution as to the officers of the Mint, and what they shall pay; and Lord Middleton has orders to prepare the papers to be signed, which will soon be dispatched. And now *Clavers* will be soon sent back to you; I only keep him till the A. Bishop and General shall be come; and by him I shall answer all your letters."

Claverhouse to Queensberry.

"LONDON, *April the* 26*th*, 1683.

"MY LORD:—The Provost of Edinburgh has written to the Duke, and sent up a memorial, an information, and petition to the Council, anent the Mint, recommended by the Bishop of Edinburgh. I suppose my Lord Middleton will send your Lordship all those papers. I told the Duke that it was not proper, without better recommendation than what he had, to take any resolution in the thing, and that I supposed what was done was for the King's service. So that there will be nothing done here till the Duke hear from your Lordship and the Chancellor. Nor do I see that the Duke blames as yet your Lordship in the least. We all here will take special care that he understand the business aright. Nor can I see how it is possible to suspect any other design than purely the King's interest in what you do.

"There will be a letter to your Lordship in a few days for securing

[1] "April 10, 1683: At Privy Council, there is a new commission to the High Treasurer to manage all the Excise of Scotland at his pleasure, and to take the profits, if there be any above the £40,000 sterling, *per annum*, due to the King, and the particular quota and proportion of it due forth of every shire, as it is adjusted and laid on by the Act of Parliament 1661, and apply the excresce to the King's use. This will make it far exceed the £40,000 sterling *per annum*."—*Fountainhall: Decisions.*

Digitized by Google

the Lordship of Stirling for the King's use; and another warranting you to treat with him [the Earl of Mar] for the heritable right of the Castle, and lands annexed thereto.[1] As to the Mint, there is a letter ordered for your Lordship, telling that the King's pleasure is, that my Lord Lauderdale dispone to the Chancellor the lands about Dundee, and to me the house and jurisdiction; for which I render your Lordship most hearty thanks.[2] Sir John Falconer is to pay four years and a half purchase of all his estate, and the rest six years purchase of theirs. But the King has ordered nothing be said of this till the letter come to your Lordship's hands. My Lord Maitland knows nothing what is done. I will have the honour to see your Lordship before you go from town. I am to part next week.

"I am, my Lord, your Lordship's most faithful and humble servant,

"J. GRAHAME."

"The seizing the Lord Mayor will do more ill than good to the disaffected party. All is very well here, and *the King firm.*"

[1] "May 12, 1683.—There is a letter from the King anent the Castle of Stirling, that it be viewed, and a plan of the fortification thereof taken, and an insinuation that the Earl of Mar (whose ancestors have had the keeping of it these three or four hundred years, as also once of Edinburgh and Dumbarton Castles) may sell the government of it to the King that he may place whom he will, and that Mar keep the money rent of the Lordship belonging thereto, till he compt and reckon anent the sums owing him by the King, and that the victual rent of it be annexed and brought into the Exchequer. The design of this was to put it in the Chancellor's hands and keeping, as a strong pass between the Highlands and the Lowlands; according to the old motto, about the arms of Stirling, anent the bridge:—

'*I am a pass, as travellers dae ken,*
To Scotish, British, and to English men;'

It standing with many hills about it, which made the Abbots and Monks of Cambuskenneth, and King James VI. (who, and many of his predecessors were bred there in their infancy), to observe that the wind and wet met once a day at the cross of Stirling. Forth there, hath many crooks, Alloa being twenty-four miles by water from Stirling, and only four by land. So that it is a byword in Scotland,—

'*The crooks of land within the Forth,*
Are worth an Earldom in the North.'

But Mar having shown his rights, they found his heritable keeping of Stirling Castle both an ancient and valid right."—*Fountainhall's Decisions.*

[2] Claverhouse owed infinitely more to his own personal contact with the Duke of York and the King than to the recommendations of Queensberry, although he wisely seems to say otherwise. He was only installed in the Constabulary, however, after a vexatious struggle with Lauderdale, of which afterwards.

Digitized by Google

Claverhouse to Queensberry.

"LONDON, *April the* 28*th*, 1683.

"MY LORD:—I have not seen the King and the Duke since my last, so I have no new thing to write. My Lord Middleton and I go on Monday for Windsor, when we shall be sure to do what we ought as to the town of Edinburgh's business. I am sorry to see that the world is not wiser; and I must say that your Lordship gets hard measure.[1] However, I am glad to hear from the honest Advocate, that both the party, and the Advocate, are ordered to cry *peccavi*. Whoever does not give your Lordship all encouragement in the work you go so frankly about, does you not justice, nor serves the King a-right. We are all here extremely convinced how well you deserved of the King, and none can know it better than, my Lord, your Lordship's most faithful and most humble servant,

"J. GRAHAME."

The Duke of York to Queensberry.

"WINDSOR, *May* 1, 1683.

"This is only to tell you, that I had last week yours of the 19th, and if you find it necessary, may send up the Treasurer-Depute,[2] when you think fit; and neither here, nor to any where you are, shall I take the least notice that you design it. The General is here,[3] and has told me all his grievances, which needed not have obliged him to have made so long a journey. I shall, by *Clavers*, let you know what they are. He will now be soon dispatched back to you; till when I shall defer what else I have to say; only, that in the affair of the Town of Edinburgh, and all other things where you may be concerned, care shall always be taken to let people know the consideration is had of you. The *quo warranto*[4] is like to go very well."

[1] This refers to an opposition, got up by the municipal authorities backed by the Bishop of Edinburgh, against Queensberry's measures relative to the affairs of the Treasury, of which he had now become sole lord and master.

[2] The Earl of Perth's brother, Drummond of Lundin, afterwards created Viscount Melfort, was appointed Treasurer-Depute under Queensberry, when Hatton fell.

[3] Old General Dalyell, the Commander-in-Chief in Scotland. He was very jealous of Claverhouse's judicial position, and rudely sulky at his rapid success, both as a soldier and a courtier. The Duke of York, and also the King, bore with his humours very kindly; and treated him, in his old age, like a petted child. See before, vol. i. pp. 238–40, a graphic description of him by Charles K. Sharpe.

[4] A writ of *quo warranto*, or enquiry into the validity of the City of London's charter, was at this time issued, owing to the opposition of the City to the Court.

Digitized by Google

Claverhouse to Queensberry.

"LONDON, the 3d of *May* 1683.

'MY LORD:—You need not be in pain about that business of the Town of Edinburgh, and the Bishop had better letten that affair alone; for the Duke has been better informed of him than I believe he was ever before. The paper concerning my Lord Lauderdale is sent down by this post, as I informed by my last. My Lord Murray, and Middleton,[1] will be provided for out of the rest. The *quo warranto* will succeed. I part the next week. I am, my Lord, your Lordship's most humble and faithful servant,

"J. GRAHAME."

The Duke of York to Queensberry.

"LONDON, *May* 9, 1683.

"The old General is now a-going back, and I hope better satisfied than when he came from Scotland; his Majesty having caused Lord Murray to write down to the Chancellor about some little things which were but reasonable; and I believe now he sees he needed not to have made so long a journey, but that a letter from him would have done as well. But I am apt to think, that his having *spoke to the King himself* will have helped to have satisfied him; for he proposed some things which were *not* very reasonable, yet he readily acquiesced to his Majesty's pleasure. As for news, this bearer, Mr Daniel Hay, who is to give you this, can tell you all we have here, and how things go very well in the City. Pray be kind to him, for I am confident he will deserve the favour his Majesty has done him. My daughter's being married to the Prince of Denmark will now be no news to you; and I am the better pleased with it, because I find the loyal party here do like it, and the whigs are as much troubled at it. There is one Sterling, a minister, who, when I was in Scotland, used to give intelligence. He has lately written to me word he continues to do it, and I make no doubt, if he deserves it, and you find him useful, you will now and then let him have some little thing. I came yesterday from Windsor, and am to return back thither to-morrow, from whence I shall soon dispatch *Clavers* to you."[2]

[1] The two Secretaries of State for Scotland, who were also pulling at Government for a share of whatever was going.

[2] *Queensberry Papers.* No other name than that of his estate is ever bestowed upon our hero, by all these magnates, in their correspondence; and that under all the varieties of *Claverhouse, Clavers, Clavres, Clarrose,* and *Clevers.*

Digitized by Google

Colonel Graham, accordingly, returned to Scotland about the middle of that month of May, crowned with courtly fame and favour. Upon the 22d of May, immediately after his return, he was sworn in, and took his seat as a Privy Counsellor.[1]

Thanks to our hero's graphic description in the foregoing correspondence, we may be said to have witnessed the *incubation* of three titles of nobility, familiar as household words in Scotland. The Dukedom of Queensberry; the Dukedom of Gordon; and the Viscounty of Tarbat, the first peerage conferred on the Earls of Cromarty. How much these favoured nobles were indebted to the direct and earnest application, even at the very source of such honours, which "Bloody Clavers" so boldly undertook, is a curious and interesting fact, hitherto unknown. He proved perfectly right in the positive assertion, that the measure he pressed so pertinaciously, however unsuccessful at the moment, would ere long be adopted by the King. Huntly's patent as Duke of Gordon bears date at Whitehall, 1st November 1684. The Dukedom of Queensberry is dated on the 3d of the same month, just two days later. The elevation of the Lord Register, Sir George Mackenzie of Tarbat, was not so immediate. He was created Viscount Tarbat after the accession of James, on the 13th of April 1685; and promoted by Queen Anne to the Earldom of Cromarty on the 1st of January 1703.

[1] "CHARLES, R.

"Right trusty and right well-beloved cousins and counsellors, &c. We greet you well. Whereas, in consideration of the loyalty, abilities, and eminent services of our right trusty and well-beloved Colonel John Graham of Claverhouse, we have thought fit to add him to the Privy Council of that our ancient Kingdom: These are to authorise and require you to admit and receive him into that our Privy Council, in the ordinary form and manner in the like cases accustomed; for doing which this shall be your warrant. And so we bid you heartily farewell. Given at our Court at Windsor Castle, the 11th day of May 1683, and of our reign the 35th year. By his Majesty's command, "MORRAY."

"The said Colonel John Graham of Claverhouse being called in, and having taken the oaths of allegiance of a Privy Councillor, and sworn and signed the Test, and having signed the acknowledgment of his Majesty's prerogative, was, conform to his Majesty's said letter, received and admitted a Privy Councillor."—*Privy Council Register, 22d May*, 1683."

Digitized by Google

SECTION VIII.—*Claverhouse a Privy Councillor. His proceedings immediately after returning from Court in the month of May* 1683. *His influence in the Commission of the Circuit Court of Justiciary, perambulating the Western and Southern Shires in the summer of* 1683. *His principles of Criminal Justice illustrated by his advice to Government, as a Privy Councillor, on the Western Circuit.*

CLAVERHOUSE was now a statesman. He now sat as a member at that puissant Board in Scotland, before which, as a party accused, he had so recently threatened the ears of a Bailie of Regality. The King and the Duke of York had consulted him in every matter connected with the troubles of unhappy Scotland. Manifestly he had impressed them with a great reliance upon the prompt energy and clear-mindedness of his character. Out of his reports on the state of Galloway, and subsequent counsels at head-quarters, mainly arose the Government measure of the great Justiciary Circuit which sat in the towns of Stirling, Glasgow, Dumfries, and Jedburgh, in the months of June and July 1683. It was in the month of April, while Claverhouse was still at Court, that the royal letter appointing these circuits reached the Privy Council in Scotland. The royal proclamation to that effect was issued forthwith. There can be little doubt that the preamble is founded upon those communings with royalty which our hero had effected at Newmarket in the month of March:—

"Forasmuch as we, by our gracious letter under our hand, directed to our Privy Council, dated at our Court at Newmarket, the 21st of March last, did signify how well we were satisfied with the account we had lately received of the state of affairs in this our ancient Kingdom, and with the successful methods our Council had fallen upon for settling the peace therein, and reducing people to order and conformity, and in this exigence did think fit it should be made known to our people by proclamation, that, though we have been too often induced to grant *Indemnities* and *Indulgences*, and other favours, to that fanatic and disaffected party, which, *as time and experience have shown*, had no other effects than to encourage them to further disorders, and em-

Digitized by Google

bolden them to abuse our royal goodness,[1] whatever fair hopes were given us at the procuring of them: Yet it was still, and is now more than ever, our royal inclination, and firm resolution, to extirpate and root out these *seditious and rebellious principles*, and to maintain the Church Government as it is established by law. And seeing we are now fully persuaded, that it is neither *difference in religion*, nor *tenderness of conscience*,—as is pretended,—but merely principles of disloyalty and disaffection to us and our Government, that moves them, *under pretext of religion*, to disturb the quiet of our reign, and peace of this our ancient kingdom,—Therefore we do strictly require our Privy Council, and our Judges and Magistrates, to put the laws vigorously in execution against all persons who, since our late Indemnity, have been, or shall be hereafter, found guilty of any fanatical disorders or irregularities, especially those who continue obstinate in them."

Murderous traitors, and Conventicle rebels, their resetters, encouragers, and favourers, were the chief objects of this imposing Circuit, at which, however, there was more of pomp and pageantry than punishment. The continued disturbance of the peace of Scotland, involving the most frightful crimes, and the merciful modes of dealing therewith intended by Government, are minutely set forth in the royal proclamation by which this high commission was ordered and empowered. It was appointed to be held at Stirling, for the shires of Stirling, Clackmanan, Kinross, Fife, and Perth besouth the river of Earn and stewartry of Monteith, upon the 5th June 1683; at Glasgow on the 12th of the same month, for the shires of Lanark, Renfrew, and Dumbarton; at Ayr on the 19th, for the shire of Ayr, and jurisdiction within the same, and the shire of Wigton; at Dumfries on the 26th, for the shire of Dumfries, the stewartries of Kirkcudbright and Annandale; at Jedburgh on the 3d of July, for the shires of Roxburgh, Berwick, Selkirk, Peebles, and bailiaries of Lauderdale; and finally, at Edinburgh, on the 10th of July, for the shires of Edinburgh, Haddington, and Linlithgow. The proclamation commanded and charged all Dukes, Marquises, Earls, Lords Spiritual and Temporal, Lords of Regalities, Stewarts, Barons,

[1] See before, p. 273, the dispatch from Claverhouse to Queensberry, in which he says,—"My Lord, we hear noise here of an *Indulgence*. I hope nobody is so mad as to advise it."

Digitized by Google

Sheriffs, Justices of Peace, Bailies, Chamberlains, and all subordinate judges and ministers of the law, in common with all the lieges, to honour, respect, and aid the royal Commissioners and Lords Justices. It was a grand Crusade of the Law, in which the *Test Act* was to be made to supersede and crush the *Covenant*, as the true Cross was carried against the impious Crescent. The Godfrey of that crusade was Graham of Claverhouse. Upon the 31st of May 1683, five days before the first sitting at Stirling, the following order was issued by the Privy Council:—

"The Lords of his Majesty's Privy Council find it necessary for his Majesty's service, that Colonel John Graham of Claverhouse should go alongst with the Justices during their whole progress in the Justice Air: And therefore do give orders and warrant to him for that effect: And in every place where the Justices goes, to command the forces, except at Glasgow and Stirling, where it is supposed the Lieutenant-General will be present: With power to him to call any other horse or dragoons more than those already ordered to attend the Justices: And to direct and send forth parties as he shall find cause; he always acquainting the Lieutenant-General with what is ordered by him immediately after."

The state of the West of Scotland, under the feeble and fitful loyalty (if loyalty it could be called) of William Douglas, Duke of Hamilton, was that which chiefly occupied the attention of this circuit. It was with great truth and significance that Claverhouse wrote to Queensberry, at the commencement of his campaign in 1682,—"My Lord Duke Hamilton was pleased to tell me, before I parted, that I would do well to lie close in houses, for he would make it so uneasy for the whigs to live in the West, that he would send them all in to me. But by what I see as yet, I send more in on him than he does on me." It was Hamilton who was presiding in the Privy Council when Captain Graham applied for a letter of support and encouragement against the machinations of Sir John Dalrymple in Galloway. "But," says the Lord Advocate, "Duke Hamilton scrupled much at it, till I pressed it, and told him I had seen accounts that made it necessary." This was a mere fit of jealous feeling against Claverhouse. For, just three

Digitized by Google

months thereafter, we find his Grace thus writing from Hamilton to the Chancellor Aberdeen,—"Since my return here, I have, by myself and my servants, used all the diligence I could to discover the authors of that protestation was affixed on the Church of Lesmahago. And albeit there be little discovered, yet I find there is some *insolent rebels*, who are *very wicked fellows*, that lurks in the head of that parish, and the heads of Kyle, who are *so bold*, that my servant, who lives there as chamberlain, looks upon himself as *scarce secure of his life*. I am about the discovery of their *resetters;* and has made some progress therein, as the bearer James Johnston will fully inform your Lordship; and also of *a rescue*, made at Dalserff of a rebel that a chamberlain and tenant of mine had taken; which being long stories, I do choose rather to give you the trouble of them by him than this way."[1] In what respect then, except as regards energetic efficiency, and consistence of principle, did Duke Hamilton, in such matters, differ from Claverhouse? A more complete condemnation of his own conduct, in demurring to the Privy Council's letter of support to the military Sheriff of Wigton, could not be conceived, than what is afforded by his own report to the Chancellor so shortly afterwards.

This same weakness of character, and inconsistency of conduct, display themselves during the sitting of that High Commission of Justiciary, in his own district, in the month of June following, as we proceed to illustrate from the Queensberry Papers.

The Duke of Hamilton to Queensberry.

"Hamilton, 8th *June* [1683].

"I came from Edinburgh Tuesday last. I shall not trouble you in this with anything passed there, wherein I was concerned, but that I had some free communing with *some persons*,[2] wherein I was told that nobody need take ill their being in the *Porteous Roll*, for *the Treasurer* might be in one; and it would give but honest men an occasion to vindicate themselves. I said, I did not like the method of vindica-

[1] Aberdeen Papers.

[2] Probably meaning the Chancellor and Claverhouse.

Digitized by Google

tion.[1] I got our rendezvous[2] put off till the second Wednesday of August. But the occasion of this letter is to tell you that this day the Marquis of Montrose, being at dinner with me, an express followed him from Glasgow to let him know that, at Inchbellie bridge, a party of five of the Guards, bringing a prisoner from Edinburgh, that they call Smith, was set on by twelve of the rebels, who rescued the prisoner, and killed two of the Guards on the place. I am afraid this shall not be the last of these disorders, if we have many *declared fugitive*. I have given directions to all my concerns hereabouts, to inform themselves of any rebels that is seen, and give me notice, and we shall have a great number here, on Monday, of the heritors of this shire, to go to meet the Justices at Glasgow, where your commands, if you have any for me, will find me for some days. I have ordered my Sheriff-depute to send an express to you with this. So, with my humble service to my sister, *Adieu*."

"Hamilton, *9th June*, [1683].
9 in the Morning.

"Last night, after ten, I received your Lordship's. I had that afternoon written to you, and ordered my Sheriff-depute, who was going to the Over-ward, to send it by an express, which I hope is with you before this. The alarm the Marquis of Montrose got here, of a party of his troop being beat, and a prisoner relieved, put us in some confusion, then supposing the party of the rebels had been greater than they were, that had done it; but, as I wrote to you, having sent out severals to try about it, I find they were but seven foot-men of the

[1] Hamilton had to vindicate himself in a more serious form not long afterwards. "November 8, 1683: At Privy Council, the Duke of Hamilton, as Sheriff of Clydesdale, is pursued for not dissipating and discovering (to Government) a field conventicle kept lately in September last in his shire, at the Kirk of the Shots, conform to the Act of the Privy Council in May 1682, ordaining Sheriffs, on notice of such meetings, immediately to acquaint the Privy Council or some Officer of State, and allowing the time for it to be at the rate of three miles the hour. The Council, *after a long discourse from the Duke*, assoilzied him, in regard he *gave his oath* he could do no diligence, seeing that meeting came not to his knowledge till fourteen days after; and that there were sundry squads of the King's forces lying in the shire *who should either have dissipated them*, or acquainted him. But they fined the heritors of the parish within which it was kept, and particularly the laird of Dundas, in whose ground it was, each in £50 sterling, though they dwelt not upon the ground, and though Dundas's commissioners, so soon as they heard of it, came and searched, and put out the tenant of the land, and threw down the house. But reserved action to the heritors against the tenants accessory, and those present at the conventicle; conform to the Act of Privy Council making heritors liable."—*Fountainhall*.

[2] Rendezvous of the Militia of the district.

Digitized by Google

rebels, who had darned themselves *in a house on a strait pass on the highway*, and when the five of the Guard came by with the prisoner, they surprised them, and shot one dead, hurt another, and relieved the prisoner. This you will think pretty bold, for seven foot to attack five of the Guard, and *come safe off*, without any loss.[1] They dissipate at a moss, a little on this side of the place, and three of them came towards the south, and four went westward. Of the three that came this way, some of my people had the good fortune to catch two, who was brought here last night, and the *insolentest rogues that ever I spoke to.* When I examined them, they would scarce give me civil answers, let be to confess a word. I sent immediately to Glasgow for a party to carry them away; which came this morning by five; and dispatching them is the reason I have been so long in doing so to your footman.

"When I was at Edinburgh, I asked the person that wrote to me how he heard of my waiting on you, and I find it was from the Chancellor, so you may know if *you* told it him. As to what I heard of Claverhouse, concerning you, it was from my son,[2] and he writes but generals. But no doubt you will hear the particulars, and then you can best judge how fit it is for you to challenge them. There was nothing said to me, in particular, by the Chancellor, of my being in any roll for resetting rebels. But my last told you what was said in the general, and that you *might* be in the same case. I heard nothing of these good instructions you say was resolved upon, before you parted, to give the Justices. But that morning, before they went away, the Chancellor called a council at his own lodging, to which I was a little long a-coming, so only heard some instructions read over, in which I find *heritors*, though not *rebels*, in worse condition than the rebels. For rebels, and the resetters of them, if not heritors, can come off upon taking the Test. But heritors has not that favour allowed them; but to the contrary are not only liable for resetting the tenants that was in the rebellion, whether in the roll or not before, but are also liable for their tenants, cottars, and servants. So that it is in the power of any tenant, by resetting a cottar or a servant that was in the rebellion, to make his master liable, and they in a capacity to come off themselves; which I thought was very unreasonable, and took the freedom to speak

[1] The usual boldness of the "army of God," to fire from an ambuscade, at poor soldiers doing their duty, and then run into a bog for safety.

[2] James, Earl of Arran, then a Lord of the Bed Chamber; afterwards fourth Duke of Hamilton, and killed, 1712, in the dreadful duel with Lord Mohun, when both died by each others hands.

Digitized by Google

against it, but to little purpose.[1] All heritors, I find, must first find caution, whatever their case is; and then your lordship, that is at the helm, will consider how far to proceed; and in the meantime this finding caution will be charge, besides other inconveniences in it.

"The first two days at *Stirling*, many were declared fugitives, even those that were there, and *ready* to appear, but by confusion *got it not done;* which the Lords endeavoured to help afterwards; and *appearing moderate*, it's hoped many will appear that it was feared would not; and according as things are carried there, I find people resolves to take measures here. This long letter will trouble you, so I add no more to it but my humble service to my sister, and my wife's to you both, and heartily *Adieu.*

"I intend to be at Crawford after the Circuits is over, and from that I will send to know if you are at home, and then wait on you."

The Duke of Hamilton to Queensberry.

"GLASGOW, *14th June*, [1683].

"Your Lordship will get so full accounts from others what is the proceedings of the Justices here, that I will not trouble you with it. Only, I see that *Claverhouse and the Clerk are the chief directors.*[2] And I am afraid we shall have in this shire many fugitives, and even many innocent, who are not to be persuaded to appear, fearing nothing will bring them off but taking the Test, which *their folly*[3] will not allow

[1] Claverhouse himself objected to the sweeping clause rendering heritors answerable, under *all circumstances*, for their tenants communing with, or resetting rebels or fugitive delinquents. Of this afterwards.

[2] The Clerk of Justiciary was Mr Thomas Gordon. "November 6, 1682: At Criminal Court, Mr Thomas Gordon, Writer to the Signet, upon a gift from his Majesty, is received Clerk to the Court, notwithstanding Mr Thomas Skeen, Advocate, had a gift of that same office from Richard Maitland, Lord Justice Clerk."—*Fountainhall.* He was very versant in the forms of Court, and predominated accordingly at this grand Circuit, where he reaped a golden harvest of fees.

[3] This is highly characteristic of Hamilton. The Marquis of Athole thus writes to Queensberry in 1683: "Duke Hamilton was here two or three days. He *refused the Test.* The P. of the S. [President of the Session ?], was of opinion that he might be indulged until January, for he found him in *better humour* than formerly, and was in the hopes he might be brought off the party. Earl Perth was of the same opinion. Some did oppose it at that meeting. Pr. [President ?] is much governed by the Lockharts. The Test meets with much opposition by *the ministers*, and *some lawyers.* I am glad to hear all is so quiet with you. The President gave his colleagues an account from you of it. Earl Argyle has refused to take the Test. Your friend Hatton is in great trouble at it. He says, Duke Hamilton and Argyle ought not to be loosed; for it will be a prejudice to his Majesty's service." In the

Digitized by Google

them to do. So our difficulties will be more after this than before. For it will not be possible to live in this country without hazard of converse and reset with fugitives, and it will be a hard task to *take them all*, if the King's forces do it not.[1] Perth is this day going up to Hamilton, to dinner there, and I do not intend to return. At meeting you shall have full accounts of what has passed, and does pass here. I have heard of that story you mention, concerning my son's complaint of the ill usage I meet with from some here, and was told, that it was understood it was but *trick* your being named, but that the intention was to load *the Chancellor*. And I find *Claverhouse is the informer;* and of other things, of *greater consequence*. But, however, I shall say to you, as I said to the person told me the story here,—until I hear particularly what my son said, I cannot answer. But sure every body sees that I have not been well used, even *since I took the Test;* but *less trusted than before*. And how my tenants has been harassed by the late rebellion, and since, it will easily be made appear. And if I had been trusted to [have] overseen Halyard's and Milton's carriage in giving informations, as you know I desired, the Circuit had been to better purpose, and less charge to King and Country, and as good service done; of all which I did give my son an account; but, I am very sure, not with the least reflection or complaint of you; nor do I believe he has said anything by which it can be inferred. But himself is the best can clear you. I am of opinion you had best *delay saying anything to Claverhouse*, and a little time no doubt will clear you more if you have *reason to distrust his kindness*. And as yet I have heard nothing from my son that he has made any such complaints."

These are poor letters. They neither indicate the patriot, nor the statesman. Jealousy of Claverhouse, a more energetic man, and trustworthy loyalist than his Grace, is the key to their whole meaning. He knew the weak point in the charac-

following year Athole again writes to Queensberry. "I have no news to write but that Duke Hamilton surprised most of us, *but not all*, by taking the Test at the Commission of Tithes. As it makes a *great noise* here, so I hope it will produce good effects."—*Queensberry Papers*. Fountainhall notes,—"29th March 1682: This day, at the Commission for plantation of Kirks, the Duke of Hamilton (who had hitherto refused the Test, and so his Sheriffships and Regalities were filled by the Privy Council), did take it, and was allowed to do it, though the first of January, prefixed by the Act of Parliament for the taking thereof, was expired."—*Historical Notices*, i. 351.

[1] It was a harder task for the King's forces to take any of them, if the great heritors, and local jurisdictions, did not cordially co-operate.

Digitized by Google

ter of his brother-in-law, and addressed himself thereto with an art so transparent that only such weakness could have rendered it available. Two days after the date of this last missive from Hamilton, Queensberry, after all that Claverhouse had so recently done to pave the way to his Dukedom, and notwithstanding the unreserved frankness, and manifest sincerity, of his daily dispatches, actually wrote to the Duke of York, unknown to Colonel Graham, in a querulous tone of suspicion and complaint, casting doubts upon the sincerity of his friendship, and the truthfulness of his professions. That letter has not been recovered. But the tenor of it is sufficiently indicated by the reply which it called forth from his Royal Highness.

The Duke of York to Queensberry.

"London, *June* 26, 1683.

"At my arrival here last night I received yours of the 16th, and send you herewith an answer, I wrote at Windsor to your former letter. As for what is in your last, *I have had no complaint from Clavers*, nor any else, about the delay there has been of adding some officers to the Horse and Dragoons. *Nor have I had so much as one letter from Clavers of any kind.* And I am confident they do him *much wrong* who report he should say I am displeased with you; since, I assure you, there is no such thing, and that *he is not a man to say things that are not.* And this justice I must do him, that, whilst he was here, no man was *more your friend than he*, and did press all your concerns with more earnestness.

"I find by that, and other things, that some people, both from hence and where you are, make it their business to create misunderstanding between all of you that are most trusted in his Majesty's affairs, and in whom I have most confidence. God forgive them that do it. And have a care of such dangerous people. And do not be *too jealous*, and think that any have gone about to do you any the least ill office to me. They have not. Nor is it in any one's power to do you a prejudice with me. As to Sir John Falconer, I have not yet heard of his being come. When he does, he shall be sent down again without any answer here, but that he shall know his Majesty's pleasure from you of the Treasury. I wonder Sir J. Dalrymple should make such difficulty about paying his fine, having had no encouragement from hence, that

Digitized by Google

I know of, to think he shall have any favour.[1] I have not time to say more, but that Lord Russell, and Lord Gray, are sent to the Tower, and that the Duke of Monmouth is not yet to be found, although a warrant has been out since noon to take him. We are got to the bottom of this damnable conspiracy against his Majesty and the Government, which in a few days will be made public to all the world."[2]

It will be observed that Hamilton alludes to the *moderation* of this high commission of Justiciary, and throws out no hint that it was a tyrannical or sanguinary circuit. He does not even notice the fact that one man (and only one), was condemned to die by the Lords Justices at Stirling, and brought for execution to Glasgow. Yet the story is told by Fountainhall in terms that would seem to justify an imputation of extreme severity, if not a morbid desire for blood, on the part of those who swayed the Government at the time. But Fountainhall's record of that tragedy is neither a complete nor a true statement of the case; and the best that can be said for him in the matter is, that he himself did not give to the world the little piece of calumnious malice which he had noted on the occasion. It affords a melancholy illustration of how little even a moderate whig of the day is to be trusted in recording the acts and dispositions of the Government to which he was opposed.

[1] According to Fountainhall, Sir John had been released, on paying his fine and crying *peccavi*. It is there said he produced a discharge from the King's Cash-keeper. See before p. 309, *note*. Probably there was some *hocus pocus* in that matter on the part of the disgraced Bailie of regality. Fountainhall also records:—"March 8, 1683: The diet for the Lady Stair's appearance being this day, she gave in a bill promising to live orderly, regularly, and decently, in time coming, and desiring they might pass her bygone faults, in absenting from the Church, or being present at Conventicles, and that she would plead nothing on the informality of her citation, she being cited on sixty days as furth of the country, whereas she was all the while within it. The Lords of Privy Council ordained her to be cited of new again."

[2] *Queensberry Papers*.—The Rye House Plot, to assassinate the King, &c., on his way from Newmarket to London, was first divulged to Government on the 12th of June 1683, shortly after Claverhouse had returned to Scotland. Of course this state of matters in England, and the conventicle murders occurring at the same time in Scotland, imparted a greater energy to the proceedings of the Justiciary Circuit, and served more forcibly to illustrate the necessity of such measures. A Scotch Conventicle preacher, of the name of Fergusson, was one of the ruffians of the Rye House Plot.

Digitized by Google

"June 6, 1683: The Circuit Court began this day at Stirling," &c. "One *Boog*, tenant in Auchinrioch, having been delated, and produced a certificate under Sir William Paterson clerk of the Council's hand, that he had taken the bond *debito tempore*, and yet refusing to promise not to rise in arms hereafter, was *coney-catched*, and condemned to be hanged: And to strike the more terror, was sent before them to Glasgow, where he was accordingly execute; and public intimation made in the Court, that Boog was not hanged for refusing to take the Test (as the rumour was, to put others from compearing), but for his being in the rebellion at Bothwell Bridge. *The Justices would willingly have reprieved him;* but they could not, but only the Privy Council. Yet there were nearly as many Councillors at Glasgow as might have made up a quorum; only they would not attempt it without the Chancellor's consent."—(*Historical Notices*, and *Decisions*).

What does that facetious phrase, "coney-catched," import? That this unfortunate *tenant* was cunningly ensnared, like one of his own rabbits in a gin? And was he really guilty in no other respect than obstinately "refusing to promise not to rise in arms hereafter?" And was that a mere fetch, to hoodwink the lieges, that he was hanged for "being in the rebellion of Bothwell Bridge?" And did the whole Lords Justices, with the Lord Justice-General (Perth), and the Lord Justice-Clerk (Maitland), at their head, really desire to *reprieve* this man,—"but they could not, but only the Privy Council?" And is it true that even those of that Commission who were Privy Councillors, also desired to reprieve him, "only they would not attempt it without the Chancellor's *consent?*" This man's blood would appear to be thus traced to the door of the absent Chancellor. Did the Chancellor refuse his consent to this universal desire for mercy among all the magnates on circuit? Was his consent ever asked? There is scarcely a spice of truth in Fountainhall's report. And how that whig Jurisconsult reconciled it to his own conscience to note such a version of an event the actual circumstances of which were so very different, and which could not well fail to be known to himself, is a question which we care less to determine, than we do to demonstrate that record of his to be unfair and untrue.

Digitized by Google

Claverhouse to Queensberry.

"STIRLING, the 9th [June] 1683.

"MY LORD: Though I cannot doubt but several others give your Lordship particular accounts of all that passes at this Court, yet I would fail in my duty if now, at the close of it here, I did not give you some account of it. There has been *three* letters written to the Chancellor giving account to him of all, and asking advice in some particulars. Of the *first* I cannot have the scroll, but I send your Lordship a copy of the answer.[1] The *second* was sent last night, and the scroll is also lost; but it was only giving notice that there was a fellow being called in the Porteous roll, appeared, and *pretended* he had taken the bond, and for proving it produced a *false and sham certificate*;[2] but being suspected, and asked upon oath if he had signed it, refused to swear it; and refused to say that Bothwell Bridge was a rebellion, or the Bishop's murder a murder. Upon which the Lords, after he had *refused to take the Test*, put him to the knowledge of an inquest, who brought him in guilty. Then he thought fit to recant, and offered to take the Test. But the Lords refused it upon good grounds, and condemned him to die on Wednesday at Glasgow, as your Lordship will see by this scroll of

[1] The answer is not among the Queensberry Papers, but the letter will be found afterwards, quoted from the Aberdeen Papers.

[2] The mode of taking the Test, by all under the condition of heritors, is thus carefully ordered by the royal proclamation: "And because there have been several great abuses committed in taking and administering the late bond, appointed by our late indemnities, and the persons intrusted have been *frequently imposed upon*, by their being induced to admit persons to take the bond *under false names and designations*, and that even many *false subscriptions* have been returned, through the collusion of such as were illegally substituted by the persons instructed,—therefore we ordain, that all these commons, who shall apply themselves for having the benefit of the Test, shall take the same, repeating the words upon their knees, in presence of any two of the persons after mentioned, and a clerk, who are appointed to return the Test, so subscribed, to the clerks of our Privy Council, betwixt and the first of September next, with a certificate at the end thereof, subscribed by any one of the said two persons, or more present intrusted, and their clerk, bearing the time and place when they did sign the same, and that they knew the persons subscribing to be of the designations condescended upon, or were credibly informed by persons they knew, that they were such; and where the persons could not subscribe themselves, that they heard them give direction to two notaries to subscribe for them; and which Test, so subscribed and returned, and *a certificate granted thereupon*, shall be as sufficient to the subscribers as if they had *our particular act* of Indemnity." Now this rebel *Boog* endeavoured to save himself at this circuit, and still maintain his rebellious position, by a false certificate. No rebel was ever more justly condemned and executed.

Digitized by Google

the *third* letter to the Chancellor, which parts to-night; and this bearer going just away, I have not the time to transcribe it. I have written to the Chancellor my opinion, upon many reasons, that the man should be hanged. This Justice Air has succeeded marvellously. Many gentlemen of good quality, that were in the Porteous roll upon mistake, after they were assoilzied took the Test. Above a hundred and fifty rebels, commoners, have here taken the Test, and I believe almost all will, so that the number of fugitives will be few.[1] The Judges go on very unanimously, and my Lord Advocate does wonders. This murder they have committed gives us all new vigour. From Glasgow your Lordship will hear from me, for *there* will be the scene of the most considerable things.

"I am, my Lord, your Lordship's most faithful and humble servant,

"J. GRAHAME."[2]

These two historical witnesses, Claverhouse and Fountainhall, being thus diametrically opposed to each other, as to the merits of the case of this rebel Boog, let us see which of them is corroborated by the evidence of the Lords Justices, and Privy Councillors, who were instrumental in that conviction.

When we consider who were the statesmen constituting this great bed of Justice, the fact that Colonel Graham of Claverhouse should predominate therein, and to such an extent as to drive the Duke of Hamilton away, to sicken his ill-conditioned loyalty, and cause him to complain that Claverhouse and the Clerk ruled all, speaks volumes as to the influence which he had acquired, by the mere force of character, in the stormy affairs of Scotland. This high Court was composed of the Earl of Perth, Lord Justice-General; Lord Maitland, Lord Justice-Clerk; Sir James Foulis of Colinton, Sir John Lockhart of Castlehill, and Sir David Balfour of Forret, Lords of Session. The public prosecutor was Sir George Mackenzie of Rosehaugh. These are the distinguished statesmen and lawyers who sign the following report to the Lord Chancellor, Aberdeen. And over these it is, as Duke Hamilton complains, that Claverhouse predominated, although not a member of

[1] Here is the Duke of Hamilton's bugbear disposed of. By fugitives are meant absent delinquents under sentence of fugitation.

[2] Queensberry Papers.

Digitized by Google

the Court. Truly if this be the case, so moderate was the temper in which this high Jurisdiction applied itself to restore the peace of Scotland, so manifest was the desire to effect the object of that Circuit with the least possible sacrifice of life, or severity towards the inflamed and misguided commons,—this, too, under continued provocation from the murderous Conventiclers, and a most alarming crisis for the Monarchy both in England and Scotland,—that no higher compliment could be paid to the new Privy Councillor, the gallant Claverhouse, than that the proceedings on this Circuit, as well as the original suggestion, were mainly influenced by himself.

From the Lords Justices, and the Lord Advocate, on Circuit, to the Lord Chancellor, June, 1683.

"My Lord:—This first Justice Air at Stirling being nigh ended, it's fit your Lordship, and such as are of the Council with you, know, that albeit great endeavours was used to keep back persons, of all ranks, from taking the Test, upon design to have so many *declared fugitive* as might still keep the country in disquiet, yet many of the gentry of very good quality, and abundance of the small heritors and commons, have taken the Test; and most of those, too, without any other advantage save that they might (as they publicly declared), witness their own loyalty, and be exemplary to others. So that the alacrity was equal to the numbers. We have likewise excused some few persons, who, by the registers of Council, or Justice Court, were found to have taken *the bond*, or to have been absolved, [yet] who, by mistake or misinformation had not compeared before us. But we admitted of no excuse for such against whom we had any probable suspicion of guilt *posterior* to their taking of the bond. We have likewise taken surety, under considerable sums, for the appearance of those few who desired a time to consider upon the Test, for their appearance at Parliament diets. So that the numbers of fugitives here will be very inconsiderable.

"There is none to be executed here *save one common fellow*, who acknowledged he had been at the rebellion, and produced only a certificate *blank in the Christian name;* which we, having good reason to suspect concerned some other person of that sirname, referred to his oath,—whether he truly signed the bond or gave warrant to a notary to sign for him? And he not only *refused to depone*, for purging of suspicion, but *obstinately*, and after *many entreaties*, refused to acknowledge

Digitized by Google

Bothwell Bridge to be a *rebellion*, or that the Archbishop of St. Andrews was *unjustly murdered;* which did so incense all the people against him, that advocates, and some of the very persons that were cited as *pannels, called out*, that he might go to the knowledge of an Inquest. And his Majesty's Advocate having represented the case to the Inquest, who had heard the pannel's judicial acknowledgment and expressions, [they] have found him guilty of high treason. And thus the people of these shires where we have been, may see, that the *justice* of this Court is not *rigorous*, nor its *clemency contemptible*. My Lord, we are your Lordship's most affectionate and humble servants," &c.

That this swaggering rebel, who, in the face of the Court, and of the public, justified the murder on Magus Moor, and disowned the King, a sure and certain touchstone applied to his character, had no intention of becoming a martyr, and was under no pressure of *conscience*, was made manifest by his subsequent conduct. From the anxiety which had been shown by his judges, not to "coney-catch" him, but to prevent the necessity of hanging him, he had flattered himself that he might earn the reputation of a Scotch martyr without being made to undergo the ceremony of coronation. But when the verdict of high treason, and death, stared him in the face, this man, who had dared to uphold the foulest of murders as an act of justice hallowed from on high, (as all such scoundrels pretended), fell on his knees howling, and, his bravado being unbacked by brandy, disgraced the Calendar of the Covenant. The Lords Justices again write to the Lord Chancellor as follows:—

"My Lord:—That pannel who was yesterday found guilty, did this morning offer to take the Test. Whereupon we did meet and consider, whether, a course being prescribed, the Test offered to him, and he, upon his refusal, being found guilty, might thereafter free himself by taking the Test; or, if only such as applied for the Test before his being found guilty, could have the benefit of it. And it was our opinion, that no man refusing it, and suffering himself to be thereupon found guilty by an Inquest,[1] could thereafter plead the benefit of the

[1] That is, found guilty, not of refusing to take the Test oath, but under his libel for high treason, from which, taking the Test was humanely intended to save him.

Digitized by Google

Test. And, pursuant to this opinion, we did this morning, upon the verdict of the Inquest, ordain him to be executed.

"This being the first case of this nature, and that there is matter of *prudence*[1] as well as law in it, we did therefore delay the execution till Wednesday next at Glasgow, betwixt and which time we may hear your Lordship's advice, [*and those of the Council?*] who are there. And it was thought the execution would be more terrible at Glasgow than here; and he will succeed to him who was so villainously rescued. The answer will be expected by us before we part from this on Monday morning, since he is to be carried alongst with us prisoner.

"Great numbers have this day also taken the Test; and so the number of fugitives is again much lessened. And we hope that this Justice Air has so convinced them of their danger, and advantage, that we have good reason to believe that they will apply to those appointed by the Council, for to have the Test administered to them (as we think they lawfully may, though they be now denounced fugitives) the next week; his Majesty's Advocate having, in the close of this Air, represented to them the danger of being now fugitives; and to their masters the irrecoverable hazard of resetting them; and that to so good purpose, that we are fully persuaded and convinced that it both already has had, and further will have, very good effects. We are, my Lord, your Lordship's most affectionate friends, and humble servants," &c.[2]

Another letter in the Aberdeen Collection, signed by the Lord Justice-Clerk alone, more particularly describes this rebel's recantation; and also evinces the extreme anxiety of the Court, not to save this criminal's life as one *deserving of commiseration*, or to be dealt with leniently, but to take no step that would tend to defeat the humane policy of this progress of Justice through a disorganised community.

[1] The "matter of prudence" meant this. The main object of the circuit being to induce the lieges, even the seditious and rebellious, to come in the King's peace by taking *the Test*, (which it was hoped would diminish, and gradually extinguish the adherents of *the Covenant*), the fact of hanging a man who had *offered to take the Test*, it was feared, might frighten many other doubtful characters from obeying their summonses, and thereby swell the dangerous ranks of fugitated rebels. This timid idea, however, did not prevail with the Lords Justices, or the Government; and, as we shall find, Claverhouse reasoned the point with great firmness, good sense, and *true humanity*.

[2] This letter is signed by the Lord Justice-Clerk, the Lord Advocate, and Lords Colinton, Castlehill, and Forret. After their signatures comes this postcript: "My

Digitized by Google

The Lord Justice-Clerk to the Lord Chancellor.

"STIRLING, *9th June* 1683, 7 *at night.*

"MAY IT PLEASE YOUR LORDSHIP:—I wrote fully to you this morning, which I hope your Lordship hath received before this time. This morning the Lords called for the verdict of the assize, upon the reading of which, the pannel, seeing himself found guilty, he fell on his knees, and begged pardon for his *blind zeal* the night before; and that he acknowledged the *King's authority;* that Bothwell Bridge *was* a rebellion; that the Archbishop's slaughter *was* a murder; that he *would* take the Test, *so far as* it was consistent with the Protestant religion. Then, being pressed by some that stood behind him, he said he would take it *simply.* This altered their Lordships' opinion; for we was all resolved to have appointed his execution Monday morning at furthest. So he was condemned to die at Glasgow on Wednesday next. We thought ourselves obliged by law to condemn him, notwithstanding his *seeming* repentance. But we allowed time for his execution, out of duty to your Lordship and the Council; that, we having done our parts as to matters of law, your Lordship might have it before you, to give the Lords your advice as to *State prudence,* which all of us will heartily obey.

"This act of justice hath been so far from *disheartening the people,* that I have good ground to believe it hath occasioned many to take the Test this morning that would not have done it. There was one fellow this day indicted for murder. The Assize returned the verdict not guilty. The poor fellow seeing so many on their knees to take the Test, begged he might take it also, to show his affection for the King's service, which was allowed. It is informed credibly, that even those who have been declared fugitive this day will all take the Test before this day seven-night, before those appointed by the proclamation.

"Thus we have happily ended the first part of our work, and I hope there is a good platform laid for all the rest, which will be easier to the Lords. The Lords intend to go from this, Monday morning by eight of the clock; so that I shall not have any occasion of troubling your Lordship till the Lords have done somewhat at Glasgow. From time to time you shall hear all that passeth of consequence from, may it please your Lordship, your most humble and most obliged servant,

"MAITLAND."

Lord Justice-General having this day staid till the pannel was sentenced, he has taken a step home, being to return to-morrow morning; which is the reason he has not subscribed this letter."—*Aberdeen Papers.*

Digitized by Google

"I have forgot one material circumstance. This fellow, *William Bogue*, that was condemned, fell on his knees a second time, and acknowledged he was *justly condemned*, and that his blood was on his own head."[1]

The Lord Advocate also writes to the Chancellor on the subject, but throws the task of reasoning the question upon Claverhouse, who really may be said to have been entrusted to state the opinion of the Court, for the information and guidance of Government. Sir George writes,—"Though I am desirous to have your advice, which I assure you I will follow, yet I have told my opinions to the Justices very freely; and *Clavrose* will write to you the reasons by which I sustained it; and I will not trouble you, nor *wrong him*, in repeating them." He concludes by telling the Chancellor,—"And as to myself, I shall not see one dollar in all this Circuit, though it is like, by sitting up, and great heats, to destroy me."

Claverhouse to the Lord Chancellor.

"STIRLING, *June the 9th*, 1683.

"MY LORD:—The Lords have thought fit to delay the execution of this man till they should know your Lordship's opinion, because of the newness of the thing, and *consequence*. I would fail in my duty if, being on [the] place, I did not give your Lordship my thoughts of it.

"Though I need not repeat this man's story entirely, because you have received particular accounts from the Justices, yet I must mind you of the heads of his case. He was actually in the rebellion; continued in that state for *four years*; and now comes in with a *false sham certificate* to fool the Judges. For, being desired to give his oath that he had taken the bond, he positively refused. Being asked if Bothwell Bridge was a rebellion, refused to declare it so. Or the Bishop's murder, a murder. And positively refused, in the face of the Court, the *benefit of the King's Indemnity* by taking the Test. Upon which the Judges, *moved by the outcry of all the bystanders*, as by their convic-

[1] His blood was rather on the head of such ranting and bullying fanatics as Shields, Peden, King, Kid, Cameron, Cargill, Renwick, *et hoc genus omne*. What an instructive commentary have we in the death of this wretched criminal, upon that historical delusion, the Christian and conscientious character of Covenanting and Conventicle zeal. On the scaffold he *enacted the martyr*.

Digitized by Google

tion of the wickedness of the man, referred the matter to the knowledge of an Inquest, who brought him in guilty. *After which*, he begged to acknowledge his folly; and offered to take the Test, with the old gloss,—'*as far as it consisted with the Protestant religion, and the glory of God.*'[1] And after that was refused him, offered in end *to take it any way.* By all which it clearly appears, that he would do *anything* to save his life, but nothing to be reconciled to Government.

"Nor can it be thought any surety for the Government, the taking of the Test by men after they are condemned; seeing all casuists agree that an oath imposed where the alternative is *hanging*, can [*not?*] any ways be binding. And it is to be supposed [they] who refused it when they had the freedom of choice, and takes it after [being] condemned, does it only because they think themselves *not bound to keep it.*

"And the proclamation seems to design favour only to those who offer voluntarily, by these words,—'all who apply themselves;' and that meetings be appointed for giving the Test by those entrusted, that all concerned may know when and where. All which shows clearly it was designed for people *at liberty.*

"Then, my Lord, in point of *prudence;* if this be the method, no man will come in to the Justice Air to take the Test, but may continue all his tricks till the first of August, and *speak treason in face of the Court and the people*, if he be taken and condemned, and after, *nick them* with taking the Test. Which turns all in ridicule. For *great clemency* has, and *ought to be*, shown to people that are sincerely resolved to be reclaimed. But the King's Indemnity should not be forced on villains.

"All that I can hear of *inconvenience* is, that it may terrify those in his circumstances to come in. I say there is not such another in all the Kingdom,—a common man condemned. So that they cannot be terrified. It may be said that this case may be *mistaken*, and it may deter *all* from coming in. Experience of this day answers that. Above twenty have taken the Test since he was condemned. And the terror of his usage, as I am informed, is like to cause most come in that are

[1] There was nothing in the Test oath to deter any one from taking it that was not either a fool or a knave. Hamilton himself blundered out that confession. But there *was* that in it, which, thanks to old Stair's cunning cooking, might *enable* a knave to take it, and afterwards shuffle out of it. In 1682, one Robertson was tried and hanged for treason. Fountainhall records,—"Robertson said boldly to the King's Advocate, that he was maintaining no more than what he had sworn to in the Test; for by it they had all sworn to *Knox's old Confession of Faith;* and so by the [24th] article of it were bound to *suppress tyranny* as well as he.'—*Historical Notices*; 11*th December* 1682.

Digitized by Google

to-day declared fugitive; of which the number, in four shires, will not be much above a hundred. If this man should not be hanged, they would take advantage, that they have disappointed us by rescuing the other, and give us such *apprehensions* that we durst not venture on this.

"*I am as sorry to see a man die, even a whig, as any of themselves. But when one dies justly, for his own faults, and may save a hundred to fall in the like, I have no scruple.*

"I understand not, that any of the forces, and one of the *Lieut.-Gen.* should, for hunting people for only *stealing cows*, leave the attending this service, where the King's interest, and the peace of the country, is so nearly concerned. For the two companies of foot left this place to-day.

"All the Justices do their duty frankly and cheerfully. My Lord Castlehill and I have not yet differed in any point.[1] And my Lord Advocate sustained this business vigorously. I am impatient to be at Glasgow, when we will have new matter. I am, my Lord, your Lordship's most faithful and humble servant,

"J. GRAHAME."[2]

The Lords Justices, and the Lord Advocate, to the Lord Chancellor.

"GLASGOW, 13*th June*, 1683.

"MY LORD: We were waited on, at our entry to the shires of Dumbarton and Clydesdale, by the greatest appearance of the nobility and gentry. And upon entry within the limits of Glasgow, by the most numerous confluence of citizens that have ever been seen here upon such occasions.

"After calling the suit-rolls, and the persons cited as pannels and witnesses in general, as the form is, we proceeded first to the trial of some of the commons; who all took the Test *most cheerfully*. After which, several gentlemen took the Test also upon the same occasion; amongst whom were severals of very considerable estates and influence, who did express such cheerfulness and kindness to the King our sacred Master as gave us great satisfaction who are the King's servants, and

[1] Lockhart of Castlehill was himself a *ci-devant* rebel. He had been page to Oliver Cromwell; about the most degrading position of servitude that could happen to a gentleman at any Court. Fountainhall tells us that the witty Lauderdale said of this Scotch Judge (whom he deposed in 1678),—"Castlehill could hang none without their own consent." He helped to hang *Brother Bogus*, however.

[2] Aberdeen Papers.

Digitized by Google

did breed great confusion amongst the King's enemies. The King's Advocate proceeded, after these acts of clemency, to forfault five in absence, *to show we were in earnest.*

"This day also, that fellow who was condemned for refusing to own the bond which he alleged he had taken, and to acknowledge that the rising at Bothwell Bridge was a rebellion, was hanged in the market place of this city, and died *adhering to his wicked principles*, and pretending he was *a martyr;* which justified the sentence *even in this humorous shyre.* And the bringing that criminal to die here is much approved by the King's faithful subjects; because it filled the place of that villain who was rescued, and did let such as were doubting see, that those who contemned authority should not escape the danger of refusing the King's mercy when it was offered.

"The King's Advocate did, *after full examination of the matter of fact*, give an indictment to two ruffians who are apprehended for the murder of David Murray, which will be proved, as we hope, fully. But certainly their being at Bothwell, and at the burning of the Test at Lanark, and their calling the King a tyrant, will be fully proved; and they are to die to-morrow.[1]

[1] These are the two culprits who were apprehended, and brought before the Duke of Hamilton, who calls them "the insolentest rogues that ever I spoke to." They were hanged accordingly, upon the clearest evidence, but enjoy, nevertheless, a distinguished place among Wodrow's saints and martyrs. He pretends that they were innocent men, whose lives were sworn away by perjured soldiers. His whole record of this trial and condemnation is utterly false. He says,—"The Circuit was to sit at Glasgow by the proclamation, June 18th, and on *that day* two persons were executed at the Cross for *alleged* killing of a soldier, as we shall just now hear. The Circuit did not sit *till that day they were executed*, and they appear to have been condemned *a little before.* Whether *Major White*, by his Justiciary power, or the *baron bailie*, passed the sentence, I cannot learn. However, they were executed and that *very suddenly*, for the *more awful opening of the Circuit.*"—(*Hist. Vol* iii. p. 484). Fountainhall knew more about the matter than this crazy fanatic. "At Glasgow, upon the 10th of June 1683, a proclamation was made, inviting all to come in and inform against the two Lesmahago men, M'Wherrie and Smith, who on the 8th day of June killed Mr Murray, one of the King's Guard, near to Inchbelly Bridge, and wounded Mr Ballantyne, another of them, as they were carrying Smith a prisoner, for rebellion at Bothwell Bridge, from Edinburgh to Glasgow, to be tried there; with certification they shall be repute concealers of their treason and murder. M'Wherrie and Smith being soon after apprehended, were condemned for being at Bothwell Bridge, for treasonable speeches, for burning the Test at Lanark, and for accession to Mr Murray's assassination; and had their right hands struck off, then hanged and headed, and their bodies hung up in chains beside the place of murder."—*Fountainhall's Decisions.* Neither the whig Jurisconsult, nor the whig Duke, casts the slightest imputation of doubt upon the evidence, or of justice upon

Digitized by Google

"We have ordered the gallows to stand, for the better instruction of the great numbers of rebels who are cited to appear before this Court. This is all that is yet done by your Lordship's most affectionate and most humble servants," &c.[1]

And these three rebels, two of them murderers, were all that suffered death, under the judgment of this terrrible tribunal, in the most rebellious districts of Scotland, notwithstanding that "Bloody Clavers" predominated over their counsels. From Glasgow the Lords Justices proceeded to Dumfries, where they sat from the 26th of June to the second day of July, putting the town to the expense, as their records bear, of one pound ten shillings *Scots*, "for a pound of candle ilk night to Claverhouse's troop, when they kept guard the time the Judges were here;" and two pounds ten shillings *Scots* "for deals and nails for raising a seat to my Lord Justice-Clerk." The Circuit then proceeded to Jedburgh, where, say the Lords Justices, in reporting proceedings to the Chancellor, "our entry was as noble and splendid as any place elsewhere we have been," owing to the concourse of noblemen and gentlemen who met and accompanied them. In this letter of the 5th July, the Lords Justices add, that,—"Tuesday's night, and Wednesday forenoon, we spent in speaking with most of the gentlemen and freeholders answerable to this Justice Air, and employing several persons to deal with them, to give a demonstration of their loyalty. The Earl of Hume, the Lords Cranston and Jedburgh, the lairds Blackbarony, Stenhope, Cockburn, and Kaimes, with several other gentlemen, were very instrumental in the King's service." This letter, which is signed by the Lord Justice-Clerk, and the three Judges of Session, thus reports the proceedings in Court.

"A little after two of the clock, we went to the Court, where, after the Justice-Clerk, at our desire, had spoke several things suitable to

the sentence. So little did Wodrow know about the matter, that he surmises the soldiers were carrying the rescued prisoner to Edinburgh from Glasgow. They were conveying him to be tried at the Circuit.

[1] *Aberdeen Papers.*—This letter is signed by the Lord Justice-General, the Lord Justice Clerk, the Lord Advocate, and the Lords Colinton, Castlehill, and Forret.

Digitized by Google

the present occasion, and particularly had pressed and made use of the present horrid conspiracy against the lives of his sacred Majesty and his Royal Highness, as the great argument to persuade not only those who were indicted, but also all other gentlemen present, to give a testimony of their loyalty and zeal to the King's service, we found that this method had good effect. For a far greater number of gentlemen of quality and condition than we expected came *voluntarily* and took the Test (the Lord Cranston being the first person), besides a good number of other considerable gentlemen who were indicted. There was fifty-four of the first sort, and thirty-five of the other. It was great satisfaction to us to see, it may be, the greatest number of men of that quality so pressing and zealous to show their forwardness in the King's service, that we have found anywhere in this Circuit. We discussed the Porteous Roll of the Shires of Berwick, Peebles, and Selkirk, where we found great obedience in the few commons and others that were indicted before us; being to employ this forenoon in precognition, and taking measures in what may be before us in the shire of Roxburgh this afternoon. And we have good ground to believe that the good example given yesterday, with the *firmness* that the people have observed in our methods, will occasion several gentlemen of quality to take the Test this afternoon."[1]

The firmness in their proceedings was mainly owing to the counsels and energies of Claverhouse. He had enough on his hands during this Circuit, and at the same time kept up a constant correspondence with the Lord High Treasurer. Of the same date as the above dispatch from the Lords Justices, he writes as follows:—

Claverhouse to Queensberry.

"Jedburgh, *July the 5th*, 1683.

"My Lord:—In obedience to the order I received from your Lordship, I have commanded forty dragoons to the Langholm, which is the heart of the Duke of Monmouth's interest; and twenty there are at Annan. My troop[2] lies at Moffat, and a part of Captain Strachan's troop at Dumfries, to *cape* (catch) what may escape the two advanced

[1] Aberdeen Papers.

[2] Besides being Colonel of the regiment of horse, Claverhouse, according to a military fashion of the time, was specially commissioned as Captain of the leading troop, with a Captain-Lieutenant under him.

Digitized by Google

posts. They have orders conform to the proclamation.[1] On this hand we have sent out three parties, of ten horses a-piece, who have orders to beat along the borders, and correspond with the parties of Langholm, and Colonel Struthers on the other side. So soon as the Lords are gone, all the troops here shall march to different posts close on the border.

"All the Commons here have given obedience; and most of the gentry, save *Hardens*, *Idington*, *Ridell*, who still stand out, with some few small heritors. Hume of Basington, (Bassendean) is fled. My Lord Yester, for to give good example to others, took the Test before the Court yesterday, and so did Sir Francis Scott,[2] and several other gentlemen. I think it will do no great prejudice though two or three of the *rich lairds* stand out.

"I am glad to hear that the conspiracy is like to be so well discovered, and that the King resolves so suddenly and vigorously to bring to punishment the wicked authors of it. We hear, from people comes from the other side, that great diligence is doing there for search of those traitors. I am, my Lord, your most humble and faithful servant,

"J. GRAHAME."[3]

[1] "July 4th, 1683. A Phanatic plot having broke out in England, we, to hold measure to them, in our Privy Council emitted a proclamation for apprehending the Duke of Monmouth and Buccleuch, the Lord Gray, Sir William Armstrong, and Master Robert Ferguson [the Scotch Conventicle preacher], and the other conspirators."—*Fountainhall's Decisions.*

Lord Macaulay admits that "there were two plots, *one within the other*;" and that "as the two conspiracies *ran into* each other, it was *not difficult* for the Government to *confound* them together." Would any but the most unfair of historians not have said rather, it was *difficult not* to confound them? The Rye-House Plot, he admits, was to "*assassinate* the King and the heir-presumptive:" Russell's plot, "*to raise the nation in arms* against the Government." To which admissions he has the audacity to add, that Russell and Sidney "were beheaded in defiance of law and justice."—*Hist.* i. 278-9.

[2] Sir Francis Scott of Thirlestane, Bart., in the Forest; who is now represented in his title and estate, by Francis ninth Lord Napier, her Britannic Majesty's Ambassador at St. Petersburgh. His Excellency inherited the peerage through a female; but by lineal male descent he is Sir Francis Scott of Thirlestane, Bart.

[3] *Aberdeen Papers.* Claverhouse dates this letter "*June* the 5th;" manifestly a mistake for July; as is noted by the able editor of those letters for the Spalding Club.

Digitized by Google

SECTION IX.—*The Rye House Plot. Correspondence and Proceedings of Claverhouse during the rest of the year* 1683.

ON the 10th of July 1683, the Justiciary Commission, after what may be termed a bloodless Circuit, returned to Edinburgh, and commenced their sittings in the High Court. During the rest of that year, and for the most part of the following, Claverhouse is a constant attendant in his place at the Board of Privy Council, as the Registers prove. Although a time of great alarm and excitement, their counsels and their measures were as moderate, and just, as a truculent anarchy would permit, carefully discriminating in the application of punishment, and ever inclined to mercy. This is not popular History, but it is Truth. Meanwhile, in England, treasonable designs among the nobles, and dastardly schemes of assassination among the baser class of covenanting rebels, who skulked and prowled behind the plotting aristocrats, unknown to them as we must charitably believe, reached a culminating point that soon brought their authors to the ruin they deserved. The Romance of History may justly record with admiration the noble Lady whose indomitable spirit ef conjugal affection has adorned it with a drama that dulls even the pictorial histories of Shakespeare. The scene with the other Lady which we have disclosed, as so dolefully depicted by Burnet,—"Only I *go oft* to my Lady Essex, and *weep with her*," is simply disgusting.[1] Political History may indulge in flights about the cause for which Hambden bled on the field, and Sidney on the scaffold. But if men will knock their heads against the block and the gallows, they must just be headed or hanged. The great whig toast names Hambden in very bad company. The glory of Russell's death is little brighter than the imaginary circle round the head of a Scotch saint, and nearly as mythical as the cruelty of Dundee's life. Not a man of them died on account of the *Rye House Plot*, nor of the *Russell Plot*, who did

[1] Especially taken in conjunction with Lord Macaulay's characteristics of Bishop Burnet. See before, vol. i. pp. 44.

Digitized by Google

not merit the fate he met, and who would not have met the same fate in our own time for the same merit. We hold his Royal Highness the Duke of Albany and York,—whose own life, or even that of his brother on the Throne, would not have been worth a week's purchase,[1] if once in the power of such plotters, with the Scotch Conventiclers preaching them on,—perfectly excused in regarding with calm satisfaction a *denouement* which promised some security to his regal inheritance, from the mean plotting of disloyal nobles, and to *his life*, from the dagger of the fanatical assassin.

The Duke of York to Queensberry.

"London, *July* 13, 1683.

"Last night I received yours of the 7th, and you have done well not to press Lord Mar any further, since he designs to come up hither; and I shall move his Majesty he may have leave to come.[2] What you say concerning the Lord Naper is very reasonable; but the best way of doing it will be a precept from hence, that it may not be a preparative to others.[3] I thought to have said more in answer to your letter; but have not now time. Only I must tell you the Earl of Essex cut his own throat in the Tower yesterday, to prevent the stroke of Justice, though he had not been indicted. Lord Russell, and three others of the

[1] Lord Dartmouth notes,—"My father told the King the pardoning of Lord Russell would lay an eternal obligation upon a very great and numerous family, and the taking of his life would never be forgiven; and his father being alive it could have little effect upon the rest of the family, besides resentments, and certainly there was some regard due to Lord Southampton's daughter and her children. The King answered,—'All that is true, but it is as true, that if I do not take *his* life, he will soon have *mine*,'—which would admit of no reply."—*Notes on Burnet's History*, ii. 370). Burnet (with less authority) reports Lord Russell to have said to him, that "there was nothing among them but the *embryos of things* that were never like to have any effect, and that were now quite dissolved." Upon which the Editor of the Oxford edition shrewdly remarks,—"Lord Russell had contributed towards the growth of these *embryos*, if the following account is to believed: 'Sir Thomas Armstrong has also acquainted me, when we were beyond sea, that Mr Sheppard had received some thousand pounds from my Lord Russell to transmit to my Lord Argyle, just before the discovery of the plot.'—*Lord Grey's Confession*, p. 66."

[2] See before. p. 337.

[3] What this refers to does not appear. The Lord Napier mentioned must be Archibald third Lord Napier, who died in the month of August 1683, very soon after the date of the Duke of York's letter.

Digitized by Google

conspirators, are condemned, and are speedily to be executed. I have not time to say more.[1]

The Duke of York to Queensberry.

"LONDON, *July* 21*st*, 1683.

"I had yesterday in the evening yours of the 14th, but have not now time to answer it, having been all this afternoon very busy examining people about this devilish conspiracy; but by the next shall do it, and shall only now tell you that *Walcott*, *Rouse* and *Hone* were hanged yesterday; and that this day Lord Russell was beheaded. He behaved himself like a stout man, but not like a good Christian; said little, but left a most seditious paper signed by himself to be sent to the King, which just now is brought to me in print, which has been published by some of his factious friends. When you see it you will say there cannot be a greater libel on the Government.[2]"

[1] Burnet describes Lord Russell as being much inclined to joking immediately before his execution. There is something sadly ludicrous in a speech he puts in the poor Lord's mouth, on his way to the scaffold: "He was singing psalms a great part of the way, and said he hoped to sing better very soon." Fancy Lord Russell interrupting himself, while singing psalms in a coach to Bishop Burnet, with such a remark. The Grassmarket Saints in Scotland had more self-conceit. They considered their own psalm-singing as *at least* equal to any seraphic strains that could be imagined. But the Bishop was so utterly devoid of truth, that no reliance whatever can be placed upon any minute narrative he has left, especially where there was the slightest motive for falsifying. In order to malign the King, under the circumstances we have already illustrated, (see before, p. 137), he pretends that Charles *broke his word* to the Duchess of Monmouth, in having her rooms searched for the Duke; upon which Lord Dartmouth notes: "Mr Francis Gwyn (Secretary at War in Queen Anne's time), told me, that as soon as this book was published, he asked *the Duchess of Monmouth* if she remembered anything of this story? She answered it was impossible she should, *for there was not one word of it true.*"—*Own Times*, ii. 358.

[2] *Queensberry Papers.* The Earl of Morray, Secretary, thus writes to the Chancellor Aberdeen, dating from Whitehall, July 28th, 1683:—

"MY LORD:—Dr Burnet has been several times before the Council. He is charged with writing and contriving the late Lord Russell's speech, which is indeed *rather a libel*; but what can be made out will not amount to anything here by the law of England. Both the King and Duke would fain be rid of him from this place; and therefore desires that you will consider, if it be proved that he contrived and wrote that speech, if it will be leasing-making; or if you can think of any other way to fetch him from this, by process or otherways, it would be very acceptable service. The Duke told me this morning that Earl Sunderland had a letter from *Holland*, showing that Sir James Dalrymple of Stair had sent one to Scotland, and *sat up all night making his dispatches.*"—*Aberdeen Papers.*

Burnet says,—"I offered to take my oath that the speech was penned by himself

Digitized by Google

This alarming crisis in England, connected as it was with the Scotch Conventicle system by the murderous link of the fanatical preacher Ferguson, and the plotting in Holland of Argyle, ex-President Stair, and the exiled preachers, necessarily kept up the pressure of coercion upon the dangerous districts in the South and West of Scotland. Our hero's time was fully occupied with almost daily attendance at Privy Council, and the military measures for the security of the Country, of which measures he was the mainspring, and chief counsellor. Fortunately, we are still enabled to view him, and to test his disposition and conduct, through his constant correspondence with the Lord High Treasurer.

Claverhouse to Queensberry.

"EDINBURGH, *August the* 28*th*, 1683.

"MY LORD :—Hugh Wallace communicated to me what your Lordship gave him (in) commission; and, since, I have had the honour of your letter to the same purpose. I have spoken to my Lord Chancellor several times about *these garrisons*, but he refuses to do anything till the Council-day. I told him that if I could get the consent of those to whom the houses belong, I would venture to garrison them without any other warrant but what I have to quarter these troops where I please in that country. But, since, I am informed the General's troop is ordered by himself to march to Kilmarnock; so that there can be no more done as to garrisons, except what I have already ordered about the *Kaitloch*. Only, if your Lordship can have the consent of the master of that house near Drumlanrig, mentioned in your letter to Hugh Wallace, Captain Strachan may allow ten or fifteen men, which will be

and not by me." This, from the Bishop, proves nothing; especially in the face of another passage, where he says,—"He (Russell) thought it was necessary for him to leave a paper behind him at his death; and, because he had not been accustomed to draw such papers, *he desired me to give him a scheme of the heads* fit to be spoken to, and of *the order* in which they should be laid; *which I did.*" It is most amusing to compare Burnet's posthumous history of his close and magnanimous adherence to Lord Russell in his last moments, with that expression of his disinclination to be with him at all, which occurs in the abject letter we have produced as witness against him (Vol. i. p. 47),—"Yet if my Lord Russell *calls* for my attendance now, *I cannot decline it*, but shall do my duty with that fidelity,"—*fidelity* to whom, the King or Lord Russell?—"*as if* any Privy Councillor were to *overhear* all that shall pass between us"!

Digitized by Google

enough in that part of the country. I have given him advice about it. I have spoke to the Chancellor, that the General might be called for against the Council-day, and all things concerning the disposing the quarters for the troops might be adjusted. He seemed to incline that I should give a scheme of it in writing, which I am unwilling to do in the terms we are in,[1] not knowing what use might be made of it. However, before the King's service suffer I will venture on it. It is not possible for me to leave this place, now that I have written for leave to go up, till I know the Duke's pleasure; besides the necessity I have to attend the pursuit about the decreet of the Mint, which makes slow progress. If your Lordship have occasion to write to Hugh Wallace, he would needs be put in mind, for as yet he has done nothing.[2] I shall not fail to give my Lord Middleton, and our other friends, their frank account of the state of things here, particularly those your Lordship writes of. For that Highland project, the Register and I both have refused to meddle more; and we have signified that it bred not in our breast.[3] As to the bringing back the Advocate,[4] the Council understood no such thing, and I have asked the Chancellor about it. He says so, but that he knows not how the clerks may have drawn the letter; he signed it on the common faith. I shall write to the General about Strathaven. I had already heard how extravagant the expense was designed. Whoever suspects me of having given advice to the Duke to let things be governed by the chief Minister alone, wrong me mightily. I can appeal to the Duke, and my Lord Middleton, if I did not always say that things, because of *secrecy*, ought to be managed by

[1] The Chancellor Aberdeen had not kept faith with Claverhouse in the matter of Dudhope and the Constabulary of Dundee, but had sold him to Lauderdale, with whom he had to enter into litigation on the subject. Of this afterwards.

[2] Hugh Wallace, a brother of Wallace of Craigie, was King's cash-keeper.

[3] A project of again calling in the Highlanders against the Conventiclers, to which Claverhouse was opposed. The Secretary, Earl Murray, and Athole, were extremely jealous of him, and willing to promote any scheme to supersede his services. Murray writes to Queensberry, May 3d, 1685,—"I do not understand what grounds Duke Hamilton, or anybody else, can have of complaint for bringing down the Highlanders. I am sure the King (James) told me it was the only best way, before we knew anything of your resolution in it. And his Majesty told us all, this day, that he was very well pleased with the new Commission of Lieutenancy given to the Marquis of Athole, as an excellent expedient for the security of that country, and preventing the villanous designs of the rebels, which he said was not to be delayed so long as to have waited for a commission from this."—*Queensberry Papers.*

[4] From London, where he was pressing his own claims of remuneration for public services.

Digitized by Google

you two;[1] and if you could not agree, by a *Juncto*. And I think I was right. When I hear from London, your Lordship shall know.

"I am, my Lord, your most faithful and most humble servant,

"J. GRAHAME."

Claverhouse to Queensberry.

[*August* 1683.]

MY LORD:—The General is satisfied with the reparations of Strathaven,[2] as they are intended in the paper he received from your Lordship, and desires your Lordship will be pleased to order it be gone about as soon as can be. The company of foot is marched with the Ensign. The Lieutenant has been with my Lord Perth, and is now going after it. He has commanded them to receive orders from your Lordship how they shall dispose of themselves. I spoke to him that Captain Strachan might be warranted to quarter there by your Lordship's advice; but he would not. He will give no orders concerning my troop till the first of November, that everybody be come to town; but that they continue at Dumfries. I hear the Committee at Edinburgh has called a Council, and have found difficulties in Earlston's business. This letter about Bailie Drummond, and Rochead, opens the eyes of people mightily, and gives good hopes of success of all other things. I hope your Lordship will not neglect to give advice how you would have all things go; especially as to the *Juncto;* for that is the great point. I doubt not but that they are able to do all that can reasonably be desired. If I go, I shall acquaint your Lordship, that I may receive the honour of your commands.

"I am, with all respect, my Lord, your most faithful and obedient servant,

"J. GRAHAME."

Claverhouse to Queensberry.

[*August* 1683.]

"MY LORD:—I called at the General's this forenoon, and he was gone out to dinner. Some time after, he sent the order of Council to me without any order from himself, and sent me word by his servant

[1] That is, by the Lord Chancellor and the High Treasurer. Here is another indication of the influence and high position which Claverhouse had so rapidly acquired. The *Juncto*, or Cabinet for Scotland, was ere long arranged in conformity with his opinion on the subject. Of this afterwards.

[2] For the garrison of troops.

Digitized by Google

that that was all he had to say. I told his man I would wait on him immediately after dinner; and when I came to his lodgings his man told me he was lying down, and that he had not been well for some days. I offered to stay till he was awake, but his man told me I needed not, for he would give me no other orders. I can do nothing without his orders; for (the) Act of Council says the General is to command my Lord Balcarres's troop and mine, and Captain Cleland's, to Clydesdale, and that he should give orders to Colonel Buchan and me to command there. However, lest the King's service suffer in the time, I will go and join my Lord Ross's troop till the half of the Guards and the other troops come. I hope your Lordship will cause dispatch them. If the General will not, the Council may give the orders immediately to the respective troops.

"I am, my Lord, your most faithful and most humble servant,

"J. GRAHAME."

Claverhouse to Queensberry.

"EDINBURGH, *September the 13th*, 1683.

"MY LORD:—I thought I had prepared that affair of the garrisons so well that there could not be the least difficulty in it. For my Lord Chancellor seemed satisfied, and made me write about it to the General. But when it came in Council, the Chancellor referred all to the General. I sustained it with all the might I could, but was not able to bring about the General, nor persuade the Council to do it of themselves. The Chancellor is now resolved to please the General by all means; but he seems not to care for it. The Chancellor will never give him all he desires. However, the thing being so reasonable, and a proposal of your Lordship's, and sustained by me, who, they had reason to believe understood that country, your Lordship may easily guess I was not well satisfied; and I took the liberty to tell my Lord Chancellor, that if the Duke (of York) had been at that Board, as he was when I was first sent to Galloway, I would have been believed in matters of that country; especially when I was but seconding my Lord Treasurer. The Chancellor then desired the General, my Lord Linlithgow, and I, to confer about it next morning; which would have turned to nothing had not your Lordship's letter come to my Lord Chancellor, which pleased him so well that there was not the least difficulty thereafter. He made speeches, both in Council and to me in private, of your Lordship's great care and diligence for the peace of that country, and the King's interest; and commended mightily your giving your own

Digitized by Google

houses, and providing them without any expense to the King, for to be garrisons. And finding him in that temper, I told him that your Lordship had a mind to have Captain Dalyell's company, if any was sent, which he also undertook cheerfully; and accordingly all was done in Council with great *eloges*. The General said nothing. I then asked whether I should continue my former care of that country, or not? The Chancellor shunned to make answer; but, being pressed, all he answered was, that they *took nothing from me*. After, I asked how they would dispose of *my troop*?[1] The Chancellor had a mind it should lay here for a time. The General was for sending it to Fife. I told, it was useless to the King's service here, and would be so in Fife. I desired it might be sent to Cumnock, Maybole, or some place near Galloway, that in case there be need I may make inroads now and then. It was referred to the General. So I know not how it will be. But I am sure I am very indifferent; for I told, in Council, that wherever it went, I thought myself no ways obliged to march with it; because it was the Captain-Lieutenant's business. I shall endeavour to be with your Lordship again[2] that company come in.

"I spoke to my Lord Chancellor about my Lord Kenmure's business, and he seemed resolved. But nothing was done anent it yesterday in Council. I shall put him in mind of it; he can always call a quorum.

"My Lady Errol and I approve mightily of your Lordship's way with the Chancellor, not to stand upon the ceremony of writing first when the King's service requires it; and I am glad to see how pleased he is with it. It seems he would be better pleased with more correspondence; which I should be glad to see in such terms as would be acceptable to your Lordship.

"I have received a very kind letter from my Lord Treasurer-Depute,[3] wherein he gives me good hopes of my affairs, and great assurance of his assistance; and, withal, lets me know that, besides his own inclination, he has your Lordship's commands to sustain all my concerns.[4] If it were not that I design rather returns of services than speeches, I would embrace this occasion to say something to your Lordship on the head of obligation and gratitude. I hope your Lordship will believe me sensible of both, and that I will not forget my duty.

[1] That is to say, the leading troop of Colonel Graham's regiment of horse.

[2] "Again," meaning, by the time that.

[3] Drummond of Lundin, the Earl of Perth's brother, afterwards Lord Melfort.

[4] Referring to the suit still pending with Lauderdale, about Claverhouse's right to Dudhope and the Constabulary of Dundee.

Digitized by Google

I shall never forget how generous it was in your Lordship to allow me your friendship in a time that you was offered concurrence of persons that ought to have been my friends. There are persons who think I have lost by the change; but I am far from it; for they know not so well as I what I had, or what any man can have there to lose.[1] But whatever there had been in it, I would not have regretted it, and I think myself very happy while I am assured of your Lordship's protection and friendship.

"On Friday last, I was told by the Bishop of Galloway, that by a letter from my Lord St. Andrews, he understood that the Bishop of Edinburgh was asking his leave to go up, and that he desired no commission, and would go on his own expense, but that my Lord St. Andrews had assured him that he would by no means consent to it. I sought for him to give him my opinion, but could not find him as yet. The Archbishop of Glasgow has assured me he will employ his interest against it, and if the Primate should come to be abused in it, he will protest against that journey. The Bishop of Edinburgh seems a little out of humour, and he told me yesterday he would come and see me, and talk of many things; which is no sign things go to his mind.

"While I am writing, I just now received a letter from my Lord Advocate, telling me my business is done; and one from my Lord Middleton, giving me account of his diligence; that the Duke had promised no remission[2] should pass till I was satisfied. Colin[3] writes that an explanatory letter is to come down that will leave no ground of debate. The Advocate says he has been received to admiration.

"Your Lordship may remember I got license to import red cloth for my troop, and so much grey cloth for the trumpeters and kettle-drummers. The cloth being imported, I presented, to my Lord Chancellor in Council, a declaration under the Collector's hand, that it had been visited, and the dues paid, and therefore desired up my bond of £500 sterling. My Lord was pleased to refer all to your Lordship. I also informed him that the grey cloth was not of the right colour, and therefore desired I might have leave to carry it back to England, and bring other in place of it; or else that those of the manufactory might have it, and I allowed to bring in as much; which was also referred to your

[1] Probably referring to his command, and jurisdiction as Sheriff in Galloway and Dumfries; from which his seat at the Board of Privy Council withdrew him.

[2] Meaning no remission to Lauderdale for past offences relative to the government of the Mint, until he gave Claverhouse a clear title to the house and parks of Dudhope, and Constabulary of Dundee. Of this afterwards.

[3] Colin Mackenzie, the Lord Advocate's brother.

Digitized by Google

Lordship. I was content, thinking myself in good hands; so must expect your Lordship's favour in both, for I desired the clerk to mark it was referred to your Lordship. The thing is mightily reasonable.[1]

"My Lord Glasgow was very earnest that I should assure your Lordship of his service, and he swears he will be most firm to your interest. My Lady Errol is still where you left her. I see not that the Court grows much here. I find myself worse there every day; but I take no notice of it. I go thither as I used to do, but only when I have business of public concern; and, however things go, am resolved to do as a good subject ought, and a man of honour. I will by no means prejudice the King's service for my interest; nor will I do mean things to insinuate myself.

"If I have forgot anything here, I shall mend it by the next. Hugh Wallace will give you account of the town of Edinburgh's business and that of Ayr. Before the Council I did all I could in both. Your Lordship may consider both, and do what you think proper, for I should be sorry it went so.

"I am, my Lord, as I ought to be, your Lordship's most faithful humble servant,

"J. Grahame."

Claverhouse to Queensberry.

"Ayr, *September* the 27th, [1683.]

"My Lord:—Before I came to this town things were past recovery; so I thought it not fit to make use of your Lordship's name at all. I, only, finding Brisbane would carry it, advised him to take on the Council, and make Magistrates, as many as his interest could allow, that the heats and animosities among them might in some measure be allayed; and he promises to do so.[2] I find they persuade themselves they will be supported in all they do. I am glad to hear of the defeat

[1] Mr Robert Chambers, in his instructive extracts from the Privy Council Register, as illustrative of the Domestic Annals of Scotland, gives the following: "In May 1683, Captain (Colonel) John Graham of Claverhouse was permitted by the Privy Council, on petition, to import from England, for the use of his troops, 150 ells of red cloth, 40 ells of white cloth, and 550 dozen of buttons; giving security that no advantage should be taken of this license to bring in any other cloth."

[2] "11*th Septembes* 1683.—At Privy Council, one Bailie Brisbane, with the Magistrates of Ayr, and one Bailie Wallace, have mutual complaints, one against another, anent choosing of the Council of the said Burgh for the year ensuing. The Council ordained each of them to give in lists of such as they judged fit; and declared they would choose out of the two lists."—*Fountainhall's Historical Notices.*

Digitized by Google

of the Turks. I am informed my Lord Montrose is to go up, and is to wait on your Lordship; but I beg I be not named in this. This country believes a certain man carries all, and that everybody else will be destroyed. I shall write your Lordship from Edinburgh.

"I am, as I ought to be, my Lord, your most faithful and obedient servant,

"J. GRAHAME."

Claverhouse to Queensberry.

"EDINBURGH, *October 2d*, [1683].

"MY LORD:—I came here on Saturday morning in time to the Council, when Earlston was delayed till the King should see the answers he had given to the interrogatories. Nor was there any shunning of it, most persons being of opinion that he had no more to say, though he said almost nothing new.[1] There was nothing else of consequence

[1] Alexander Gordon of Earlston, like his father before him, was a notorious and dangerously active rebel, who made a wonderful escape from justice. He was deeply engaged in the plot to assassinate the King and the Duke of York, that frightful coincidence of the whiggery of the day, which was so extremely awkward for Lords Essex and Russell, and the other aristocratic plotters of 1683. Earlston's father, "that *excellent person*, William Gordon of Earlston,"—as Wodrow calls him, from which his real character may be inferred,—was killed at Bothwell Bridge; and his son Alexander, flying from the field, narrowly escaped in women's clothes. He was condemned and forfeited in absence in 1680. He then lurked with that worst class of conventicle rebels called "Society people;" but at the time of the Rye-House Plot, he was seized on board of a ship bound for Holland, as their emissary to the exiled murderer Robert Hamilton of Preston. Earlston threw his papers into the sea, which were fished up, however, and he was tried before the High Court in August 1683. According to the record,—"The Lords find the pannel, Alexander Gordon of Earlston, was found guilty of treason by an assize, February 18th, 1680, and adjudged to be executed, and demeaned as a traitor, *when taken*. Being now apprehended, he is sentenced to be beheaded at the Cross of Edinburgh, September 28th next." Earlston went under the feigned name of Alexander Pringle. It is a singular fact, that the secret papers he had attempted to put out of the way were the means of saving a life most justly forfeited. The papers being written under feigned names, and other modes of concealment, Earlston was closely examined, to discover their import. Nothing conclusive being elicited, the legal question arose whether, Earlston being already under sentence of death, could be submitted to the ordeal of torture! The suspicions being pregnant, the abominable law (as we now justly regard it, although King William thought otherwise), became applicable, unless previous condemnation was a legal bar. In a letter to the Chancellor, from Secretary Earl Murray, dated Whitehall, June 26th, 1683, he says,—"There has certainly been correspondence betwixt the plotters here, and some in Scotland, after considering of that letter directed to *Alexander Pringle*, which is

Digitized by Google

brought in, save a remission for Monkland, which I got stopt, and he continues in prison because he refused to give up, upon oath, all his writs and papers.

"On Sunday morning Mr Rochead's wife sent to me to know where she might see me.[1] I told I should see her at her own house, either

Earlstone, whereof I sent you the principal; but now I send you enclosed a copy of it, which I had by me. Observe what is said, that after they have dispatched the old *Cotin Stufe*, they will then think of what new commodities will be best, or such words. The old *Cotine Stufe* is certainly the King, for C. S. begins the two words; and the letter is written just before that cursed attempt should have been made at his Majesty's coming from Newmarket. The letter is signed only thus, *Jo. N.* Now it is certain Earlston knows the writer, and the whole meaning of the letter, and if he will be ingenuous, can tell all."—*Aberdeen Papers.* The Privy Council, in their difficulty, wrote to the Secretary Middleton, to take the opinion of the Lord Advocate, then in London. "His answer was, that though no man can be put to torture upon interrogatories only relating to the cause for which he was condemned, yet he may be tortured with relation to plots, conspiracies, and combinations that have happened after the time when the crimes were committed for which he was condemned." Upon this opinion, and as his papers proved Earlston to be privy to the conspiracy against the King's life, his Majesty ordered the torture to proceed.—*Privy Council Register.* He first broke his prison, and attempted to escape, but was retaken. The horrible scene that followed, but which saved his life, is thus recorded by Fountainhall: "November 23d, 1683. Earlston, conform to his Majesty's command, being brought to the Council Chamber to be tortured, he, through fear or distraction, roared out like a bull, and cried and struck about him, so that the hangman and his man durst scarce lay hands on him. At last he fell in a swoon, and then reviving, he told that General Dalyell, and Drummond, were to head that fanatic party, and Duke Hamilton was on their side; which improbable things made some call it *reverie*; and others, a politic design to invalidate all he should say; and the physicians were ordained, upon soul and conscience, to report his condition, if they judged him really mad, or only feigned; as David at Gath for Achish; as also to prescribe him a diet for curing him; and for more quietness they sent him to the Castle."—*Fountainhall's Decisions.* The medical men, humanely rather than skilfully, reported him insane. He never showed so before, nor after. But he deserves great credit for so defeating the barbarous law of compelling evidence by torture. He was confined in the Bass, and released after the Revolution. He would not have so escaped torture under the cruel fiat of King William.

[1] James Rochead of Inverleith, Town-Clerk of Edinburgh. He appears to have acquired the title of *Sir* James, recently before the date of Claverhouse's letter, though it is there neither conceded to him nor his Lady. On the 26th December 1683, the Magistrates and Ministers of Edinburgh, as trustees of Heriot's Hospital, present a complaint to the Privy Council against the Town-Clerk "for his sacrilegious removing march-stones set betwixt his lands of Inverleith and the Hospital's ground adjacent to him;" and other unneighbourly proceedings. Sir James defended himself; and, on his part, "complained upon the Magistrates of Edinburgh,

Digitized by Google

after sermon, or on Monday morning. Nevertheless, Mr Rochead waited my outcoming from the Tron Church, and invited me to supper, which I refused. But Mrs Rochead sending again this morning, I went to her, when she told me the history of the family, and that of the government of the good town, and after asked my advice if her husband should go up, and began to propose that I would do them kindness if I went up.[1] For the first, I told her, that I might safely tell her my opinion in it, that they who had the interest to procure that letter would be able enough to get him sent home without a hearing; and, for my own part, in all appearance I was not to go; but if I did, I would not undertake, for no man, to meddle in my Lord Treasurer's concerns without his leave, and that I thought they had taken wrong measures from the beginning in not putting themselves in your Lordship's reverence; but that at present I could give them no advice till your Lordship was come to town, and those returned that knew the King's mind in that matter. I find they think that Colin Mackenzie is at London for to procure that place. I send your Lordship here enclosed the Treasurer-Depute's letter, by which I see the Duke will not let me up. I suppose he has no mind the thing should be heard by the King, because it would load a certain person.[2] They seem satisfied that the Duke

their oppression in hindering him to *decore* and improve his own property as he pleased; and that Bailie Fairholme had *contumeliously* and *ungentilely* called his wife a *lurdain* and *truiker*." The matter against Rochead was remitted to probation. We trust that in the Council of the good town in these improved times, there are no Bailie Fairholmes, contumelious and ungentile.

[1] "11th September 1683.—The town of Edinburgh having given in a bill craving liberty to uplift the fines they had imposed upon their burgesses for absence from the church, &c., the High Treasurer acclaimed the fines of such of them as was *heritors*, conform to Act of Parliament in 1670. But the town alleged, *heritors* must be understood of heritage lying in landward, not of heritors or landlords within burgh, who has but a shop, it may be. The Privy Council laid the consideration of this aside till November."

"24th and 25th September 1683.—A Committee of the Privy Council was called extraordinary, to intimate to the Magistrates of Edinburgh the King's pleasure sent down to them by a letter of Middleton the Secretary, recommending to the Town Council to choose Bailie Drummond Provost, as a disinterested person, till the counts of misapplication of the town's common-good be cleared before the Exchequer; and annulling Sir James Rouchead's taking in James Hamilton as his conjunct in the Clerkship. This letter, with the strength of the bias and genius of the town against them, broke Rochead and Kinloch's (of Gilmerton, his son-in-law) party in the Town-Council."—*Fountainhall's Historical Notices*. See before, p. 370. Roughead was eventually deprived of his office for malversation.

[2] Alluding to the Chancellor Aberdeen, who had behaved very shabbily to Claverhouse. Of this afterwards.

Digitized by Google

promises he will see it done, and that my Lord Maitland shall not have leave to speak of it. But I am of a quite contrary opinion; for I know how much one's presence prevails with the *good nature of the King and Duke*. Besides, if the explanatory letter be not signed, I see, by this suspension, I will have a very evil game. But I have written, positively, either that I have leave to come, or that the explanatory letter which I have sent up be signed. Otherwise, I have reason to believe that evil offices have been done me, from this, to the Duke. It is thought very strange that the Lords should have suspended forty thousand pounds without a cautioner, besides other things. But I never can complain of the King's Judges.[1] I expect to know more by the next post, if I go up or not. I shall not fail to acquaint your Lordship in time.

"I am, my Lord, your most faithful and obedient servant,

"J. GRAHAME."

Claverhouse to Queensberry.

"EDINBURGH, *October* the 12th, [1683].

"MY LORD:—There has nothing occurred here worthy your Lordship's noticing since my last. I find, by letters from my Lord Treasurer-Depute, my Lord Advocate, and Colin, that the Duke has no mind I should come up, but gives all assurance that he will have the thing performed without fraud or trick. The Bishop of Edinburgh did me the favour to see me yesterday, being under physic, when he took occasion to tell me all had passed betwixt your Lordship and him as to the business of the town of Edinburgh, and made show of great grief that he had had the misfortune to incur your Lordship's displeasure; but desired nothing of me, neither to represent it to your Lordship nor anybody else. I told him I had never been on the subject with your Lordship, but that seeing the two Archbishops had concerned themselves in the matter, as he told me they had done, I believed your Lordship would not be implacable, for I had always found you ready to allow people to vindicate themselves, or to accept of reasonable satisfaction upon acknowledgment of their fault.

"I spoke this day with the Bishop of Galloway, to know if there were any hopes of his translation; but he told me, by what he could learn from the Primate, Dumblane was fixed in Ross. I am glad to see that the Kintyre project is blown up; but it is to be feared that though that estate be annexed to the Crown, it may easily be dissolved.

[1] A charge given on the decreet of the Mint had been suspended.

Digitized by Google

I find the Advocate is not satisfied he has got nothing, though he says he had no design but to save this country from slavery, and honest men from ruin.[1] He comes off the 15th. The Treasurer-Depute has thought it worth his while to get the King's orders to stop Monkland's remission. Great packets in great haste come from my Lord Maitland to my Lord Chancellor. Things seem to go very right, but if the *Juncto* be not fixed again winter, all will yet go wrong. I am going for Angus, where I will be till the Advocate returns. Some folks here are in great apprehension. I wish it may be well grounded.

"I am, my Lord, your Lordship's most humble and faithful servant,

"J. GRAHAME."

"I am glad to hear Lordship's sons are come to London, and so much esteemed there."

Claverhouse to Queensberry.

"EDINBURGH, *October 30th*, 1683.

"MY LORD:—I had not been so long without assuring your Lordship of my respects, had I not been always since my last in Angus, where I could neither find occasion nor business to write. Since my coming here, I have had several letters from London, whereby I learn my Lord Advocate came off the 24th, and pretty well satisfied, of which I am extremely glad, for many reasons. For he is very useful in many things, and his friends must resolve to bear with his little infirmities as long as he holds right in the main.[2] My Lord Maitland is to be sent immediately down to attend the Justice Court,[3] and has done nothing.

[1] In his conduct of the criminal business of the country, against the Conventicle rebellion.

[2] Sir William Scott of Harden and his Lady were pursued, at the instance of the Crown, before the Privy Council, for absence from the Church, and for *Conventicles*: "The Lords thought the husband head and *dominus*, and that she owed that by her subjection, as to be ruled in such things by him, and that oft-times it was by his tolerance and connivance; and therefore they fined him in £1500 sterling (though he was only a liferenter), and declared if he paid it not within fifteen days, that he was to re-enter into prison in Edinburgh Castle again, and superseded to impose the rest of Meldrum's fine upon him till they saw if her carriage would be better and more regular in time coming, and what endeavours Harden used to persuade her." Fountainhall adds maliciously,—"The sum fined in, jumped with a gift the King's Advocate had now gotten, of £1500 sterling from the King, out of the first and readiest of the fines, for his pains, expenses, and journies to London."—*Fountainhall's Decisions.*

[3] Hatton's son, Lord Maitland, was still Lord Justice-Clerk, but got into sad trouble ere long.

Digitized by Google

I have here from good hands, that his great masterpiece was to persuade one of those two above to change with a certain man here, which indeed would have done a deal of mischief. But I suppose that it is above his reach; and L. [ord] M. [iddleton] is advertised of it by a good friend of his, to look to it as a thing that concerns him as much as any other.[1] I have still new assurances that the Duke will not see me wronged. I hear the Bishop of Edinburgh has changed his tone since he thinks the storm is over. The affair of the *Juncto* is no secret here, and everbody thinks it was the only thing could have kept people within bounds; but, by what I can learn, if it be at all, it will turn to the old Juncto, or to the Officers of State only. I hear D. [uke] H. [amilton] has been trying to be of the number, but was refused as [not] being Officer of State.

"I find my Lord Register as your Lordship left him. I am glad to hear by Hugh Wallace that you design to be here on the sixth, which will be about the time of the Advocate's arrival, when, after hearing all has passed at London, with the circumstances, your Lordship may safely take your measures. I have a great deal to say to your Lordship in favour of Colin Mackenzie, but shall delay it till I have the honour to see your Lordship here. I find my Lord Middleton is greatly his friend; but all is expected from your Lordship's goodness. I shall wait on your Lordship some miles from the town, and give you account of all I can learn again that time, and shall now only beg your Lordship to believe me still as much as I really am, my Lord, your Lordship's most faithful and most humble servant,

"J. Grahame."

Claverhouse to Queensberry.

"Edinburgh, *November 4th*, [1683].

"My Lord:—Last night I had the honour of your Lordship's, and this day, after sermons, Hugh Wallace told me he was just going to dispatch your servant. I begged him to delay so long as I could see my Lady Errol, because the Chancellor had been there. She bids me tell your Lordship that there passed a great deal betwixt them; but because he complained that things he had only told to your Lordship and her come abroad, she thought best to forbear giving you account of it till meeting. I hear he is *mad against me*, though I have more rea-

[1] Probably referring to some proposition that one of the Scotch Secretaries of State should make place for the falling Chancellor, Aberdeen, who was now at feud with Queensberry, and ere long was thrust out.

Digitized by Google

son to be so against him. He and all his people seem very confident, and they say talk briskly. However, by all I have yet heard, they have no very solid foundation. Sir George Lockhart is come home, who, it is thought, has been a considerable agent, and has got a new light. For, as I hear, he stood to glory to the Father with the Chancellor to-day. My Lord Lauderdale came up in the coach from Leith with the Chancellor, and was above an hour close with him immediately after he came up. And Sir John Dalrymple is assiduous there as he used to be. It is said here the Treasurer-Depute is coming down, but my Lady Erroll bids me tell you not to let him stir till my Lord President be come off. For it is thought things will be as hot as ever, and that this man has written up, having now heard all that they alleged has been said against him, and will be vindicated. He and I fell foul in Council yesterday about the fanatics' backsliding, and the causes of it. I told that we were interrupted by his telling that those who had taken the Test could not be fined; and that there were abundance had taken it, as I was informed, and yet would not live orderly.[1] Little or nothing of moment was done.

"Duke Hamilton is to be in on Wednesday, and that business of his will turn to nothing; for Meldrum will not be heard of, he being gone north; and for the other about the Conventicles, he will say he did all diligence so soon as he was advertised, and it will be taken off his hand.[2] Mr Johnston, my Lord Duke's writer, was this day waiting on the Chancellor from his Grace, and the Chancellor bid him assure the Duke that he should not be wronged where he sat. It is said here that your Lordship stays out of the way a-purpose, because of that business.[3] I am to go out and meet the Advocate at Musselburgh, that I may prepare him before he come in. I am mighty glad to hear he has got. It will be a great mortification to some, for they design his ruin by all imaginable means. I long to see your Lordship; and am, my Lord, your most faithful and most humble servant,

"J. Grahame."

[1] This seems to refer to the Chancellor, Aberdeen, who soon after was superseded in his office by the Earl of Perth.

[2] And so it proved. See before, p. 345, *note*.

[3] Queensberry was married to Hamilton's sister.

The *Junto*, about which Claverhouse expresses himself so anxious in the above letters, being in fact a new Cabinet for Scotland, was established at the close of this year 1683. Fountainhall thus records it:—

"December 13, 1683.—At Privy Council, the King's letter was made public, commissionating his seven great Ministers of State to manage all affairs here. They were, the Earl of Aberdeen, Chancellor: Queensberry, High Treasurer: Perth,

Digitized by Google

SECTION X.—*The Marriage of Claverhouse. His Stormy Honey-moon. Installed as Constable of Dundee, where he ameliorates the Criminal Code.*

THE Russell and Rye-House affairs, the two plots which Lord Macaulay says "ran into each other," and which nearly ran into the King and the Duke, caused the Conventicle system in Scotland, upon which Claverhouse had in vain put his foot, to bubble and burst up again, from its hot springs in the South and West, with all the force of sympathetic agitation. Writing to Queensberry, 26th October 1683, the Duke of York says,—"I am sorry to hear you have had some field-conventicles, but I hope care will be taken to supress them." Again, on the 10th of November, he writes, "I had, yesterday, yours of the 2d, by which, and other letters I have had, I find there has been some field-conventicles, and other meetings, amongst the disorderly people, and am of your mind that if everybody would bestir themselves, and be as diligent as you, it would not be easy for them to meet. But I hope when you all are at Edinburgh, you will do your parts to hinder them.[1] All

Justice-General: Athole, Privy Seal: Lundin, Treasurer-Depute: Tarbat, Clerk-Register: Sir George Mackenzie, King's Advocate: and the Secretary, if in Scotland. So, only Maitland, Justice-Clerk, of all the Officers of State, was omitted, and the Justice-General, who is no Officer of State, put in his place. Some thought the Duke of Monmouth's returning into favour at this time had procured this. But the Duchess of Portsmouth had obtained it before that; and they had represented to the King and Duke of York that it was neither safe to the Government, nor pleasing to the nobility, that all the representations of our affairs should come by one channel, viz., the Chancellor only. But it was wondered how the Duke of York suffered him to be yoked so unequally as to join him with six of a contrary faction, who had all aimed to put him out; unless it was that they might be checks mutually one to another. But then, the balance should have been more equally poised. The *Juncto*, and *Committee of Safety*, were words invented in the rebellious times, and therefore they shunned these terms, and called themselves the *Secret Committee*. They are, as the *Articles* to the Parliament to be a preparatory Committee to the Privy Council, to mould, form, and prepare matters. So that the rest of the Councillors will have little more to do, save to ratify their conclusions. There is nothing to be proposed in Council, and no account of affairs, or recommendations to be transmitted to the King, but by them; that one single man may not abuse him by misrepresenting and undermining others."—*Fountainhall's Decisions.*

[1] Fountainall affords an illustration:—"14th January 1684. A Privy Council is called extraordinary, upon a letter written by Lockhart of Lee to the Chancellor,

Digitized by Google

Grahame Jean Cochrane

Digitized by Google

Digitized by Google

things are very quiet here, and the bill is found against Algernon Sidney, and on the 21st of this month he is to be tried." A more illustrious delinquent now appears,—the foolish, misguided Monmouth, who had imbibed the to him fatal poison of popular applause, and become the tool of whiggery to his own destruction. "I have yours of the 15th,"—again writes the Duke to the High Treasurer of Scotland, 24th November 1683,—"and have had an account of what has passed where you are, as to the prisoners sent down to you; and what we know of them here shall be sent as desired.[1] This evening I am to wait on his Majesty with the two Scots Secretaries, and Lundy, to settle all things for the Treasurer-Depute's dispatch. As I had written thus far, I was called for to attend his Majesty down to the Secretary's, where the Duke of Monmouth was come to surrender himself. He desired to speak to his Majesty and myself alone. He asked the King's pardon, as became him; confessed himself guilty of the plot in general, and owned all but the knowing of the designed assassination; asked me pardon also, and owned his having been faulty to me, and made all the professions man could make."[2] And so he was received into favour again, and even admitted to Court. He was at once and justly believed in the assertion, that of the Rye-House villany he had no cognizance. The Duke of York at this time utters no bitter word against him, harbours no unjust suspicions beyond his own confession, and seems willing to have regarded his rebellion as the escapade of a raking school-boy. But the whigs would not suffer him to be saved, and dragged him

telling him, that some of the whigs beside Lanark had broke in upon a stable where some of the dragoons' horses stood, thinking to have murdered themselves; but, missing them, killed two of their horses, and carried out of the magazine all the straw was laid in for the troopers' horses. Meldrum (Captain Urquhart) was ordered to go to that country to repress them, lest they should draw to a head."—*Historical Notices.*

[1] Referring to Baillie of Jerviswood, the Campbells of Cessnock, Carstairs, and other Scotchmen implicated in the treason, who were sent to Scotland to be tried. On the 26th June 1683, Secretary Earl Murray writes to the Chancellor,—"This afternoon Sir Hugh Campbell of Sessnoke, and his son Sir George Campbell, and Baillie of Jerviswood, were seized. I was called for. *They looked like death when they saw me.* They are to be sent to me to be examined."—*Aberdeen Papers.*

[2] Queensberry Papers.

Digitized by Google

onwards to his fate. Pity that explosion of his, against the Hamilton clique in 1679, had not become the lesson and rule of his life.—"But the Duke of Monmouth was *mad* to be so used, and said to the King, '*God damn him, if ever he meddled more with them.*'"[1]

It was not, however, until about the month of May 1684, that Claverhouse had again to mount Satan, and hurry to the South. We find his name in all the frequent sederunts of the Privy Council in Edinburgh, with scarce an exception, from the month of July 1683, when he returned from Court, and took his seat at the Board, until the beginning of May 1684, at which time the reviving troubles in the old field of fanaticism demanded his presence to inspect and establish garrisons, and disperse some wandering and armed conventiclers. Upon this occasion, however, he had started for Ayrshire with some other thoughts in his head, and feelings in his heart, besides his harassing military duties in that quarter.

They say, and say truly, that "Love will venture in where he darna weel be seen." And so we must not imagine that this gay and gory cavalier, who in the page of Macaulay wades in blood, and in that of Scott walks in beauty, found no fair one upon whose features his eagle eye rested longer than it was wont to do on woman, and in whose ear fell a softer word from him than that which caused Sir John Dalrymple's to tingle. The young plants of grace—and it was even a young plant of grace whom Claverhouse transplanted—were not all horrid with cock-ups, and cankered with Conventicles. Thanks, old Fountainhall, with your harmless whiggery, for a glimpse at their pretty crinolines and cinderellas. The sumptuary laws were severe in Scotland, it seems, and would suffer no dandyism in death, not even *black* "roses round a sepulchre." But woman's gaudes were spared: "April 24, 1684. A proclamation of Council (at which Claverhouse was present), was passed, and printed, extending the Act anent apparel to prohibit the wearing of night-gowns and manteaus in the streets, if they be of prohibited stuffs. As also against mourning coats, and covering of coffins with black cloth and fringes. Many

[1] See before, vol. i. p. 387.

Digitized by Google

other things were spoke of as sumptuous and prodigal, viz. women's laced shoes, more tiers of fringes on their petticoats than one, *mushed-out* silks, and flowered hoods and scarfs; which are used, but contrary to the Acts. But these things were *forborne to be expressly discharged at this time.*"[1] And so, the "features exhibiting even feminine regularity; the oval face, straight and well-formed nose, dark hazel eyes, complexion just sufficiently brown to save it from the charge of effeminacy, the short upper lip, curved upward like that of a Grecian statue, and slightly shaded by small moustaches of light brown, joined to a profusion of long curled locks of the same colour, falling down on each side of his face, all contributing to form such a countenance as limners love to paint, and ladies to look upon,"[2]—were not all wasted upon the desert air of the conventicles, but even in those loveless districts found place, time, and opportunity, to assert their natural affinity to the laced shoes, flounced robes, and mushed-out silks, of the young, the gay, and noble of the sex. Nor was the romance of a severe and adverse duenna awanting. From out of the very claws of a covenanting mother, Claverhouse carried off his prize.

The great Ayrshire family of Cochrane had been raised to the peerage in the person of Sir William Cochrane of Cowdon, second son of Alexander Blair, a younger son of Blair of Blair, who took the name of Cochrane in consequence of his marriage with Elizabeth Cochrane, heiress of that family. Their son, the above-mentioned Sir William, thus came to be a large proprietor in the counties of Ayr and Renfrew, the former of which he represented in the Parliament of 1647. At the close of that year he was created a peer for his loyalty, by the title of Lord Cochrane of Dundonald; and after the Restoration was advanced to that Earldom in 1669. In 1684 he was an old infirm man, who wrote the signature "Dundonald" with a manifest tremor, as Claverhouse's marriage contract bears witness. Yet at this time he had incurred the displeasure of Government, and was even threatened with prosecution, under his statutory responsibility as an heritable

[1] Fountainhall's Decisions.

[2] Sir Walter Scott.

Digitized by Google

proprietor, and master of a family, for the harbouring of fugitated rebels on his lands, and other tendencies to favour the conventicle rebellion. His son, William Lord Cochrane, did much to promote a departure from loyalty in the family, by his marriage with Lady Catherine Kennedy, daughter of John, sixth Earl of Cassilis, a gloomy Presbyterian. Her sister, Lady Margaret, was she who demeaned herself by marrying Gilbert Burnet. Lord Cochrane died in 1679, in the lifetime of his father; and, doubtless, under the management of his fanatical wife it was, that his deathbed was haunted by rebel preachers. We have elsewhere noted Fountainhall's record of the fact, that the old Earl got into some trouble because of one of these domestic fanatics having taken that occasion to pray that God might bless the rebels in the West with success.[1] Lord Cochrane and Lady Catherine had a family of sons and daughters. With these Claverhouse had become well acquainted during his campaigns in the West, and contrived to secure the affections of the youngest daughter, Lady Jean Cochrane, in the face of great opposition from Lady Catherine, and some others of her fanatical relations. Another love affair of that family was going on at the same time. Lord Cochrane's eldest son, now heir to the Earldom, aspired to the hand of Lady Susanna Hamilton, second daughter of the Duke of Hamilton (Claverhouse's enemy), and Duchess Anne, a marriage which came off in the same year, 1684, with that of our hero's. The Duke, whose own loyalty was of the most equivocal character, made some parade to the Duke of York, of not giving his consent to an alliance with such a fanatical family, without the express approbation of the King and his Royal Highness. Claverhouse, who had not thought of this precaution for himself, considered the move as one intended to injure him, by contrast, in the favour of his royal friends and patrons, and he also immediately wrote to the Duke, to save his loyalty from false imputations. As his courtship of the young lady, and endeavours to mollify the she-dragon her mother, were going on in Ayrshire at the very time he was again sent there by the Privy Council to keep the Conventiclers in check, ru-

[1] See before, p. 170, *note*.

Digitized by Google

mours became rife, that his loyal energies were shorn in the lap of a Covenanting Delilah, and that the Conventiclers had nothing more to fear from him. Great was his indignation. It burst forth in two long letters to the Lord High-Treasurer, strange dispatches, composed partly of official military reports, and partly of earnest defences of his betrothment, stormy with indignation, the little god of love trembling in the midst of sabres and kettle-drums, and something very like blasphemy and treason against his reign on earth. The inflated nostril, and upward curled lip of Sir Walter Scott's beautiful cavalier, may be seen in every line of the letters we are about to produce to the world for the first time. They are, in fact, not two letters, but two editions of the same letter, with some variations, but written on precisely the same subjects, and under the very same date. The first is not signed, and would seem to have been superseded by that bearing his signature as usual. And as both are addressed to Queensberry, it seems difficult to account for their appearing together among the rest of his correspondence with Claverhouse, upon any other hypothesis than that the indignant cavalier had sent both, in the tumult of his spirits, when he had only intended to send that wherein he reports his military operations more in detail, and which he had completed with his signature.

Claverhouse to Queensberry.

"EDINBURGH, *May the 19th*, 1684.

"MY LORD:—I have been in the West, and posted the five companies of foot at Ayr, and the half of the Guards with my Lord Ross's troop thereabout. I have visited the garrisons both in Galloway, Dumfries, and Clydesdale, and everything is ordered conform to instructions. And now you will find by the success the reasonableness of this advice. The country is much disposed to peace and order, and I will answer for both in all those countries as long as the forces continue thus posted, and England keeps quiet.

"My Lord Duke Hamilton has refused to treat of giving his daughter to my Lord Cochrane, till he should have the King and the Duke's leave. This, I understand, has been advised him, *to load me*. Wherefore I have written to the Duke, and told him that I would have done it sooner, had I not judged it presumption in me to trouble his High-

Digitized by Google

ness with my little concerns; and that I looked upon myself as a *cleanzer*, that may cure others by coming amongst them, but cannot be infected by any plague of Presbytery; besides, that I saw nothing singular in my Lord Dundonald's case, save that he has but one rebel on his land for ten that the rest of the lords and lairds of the South and West have on theirs; and that he is willing to depone that he knew not of there being such. The Duke is juster than to charge my Lord Dundonald with Sir John's crimes. *He* is a madman, and let him perish; they deserve to be damned would own him.[1] The Duke knows what it is to have sons and nephews that follow not advice. I have taken pains to know the state of the country's guilt as to reset; and if I make it not appear that my Lord Dundonald is one of the clearest of all that country, and can hardly be reached in law, I am content to pay his fine. I never pleaded for any, nor shall I hereafter. But I must say I think it hard that no regard is had to a man in so favourable circumstances,—I mean considering others,—upon *my account*, and that nobody offered to meddle with him till they heard I was likely to be concerned in him. They have *flaiged* (frightened) him so much that he has not given me so much as he would have given to anybody that could have done him no service; and since favour might have been shewn him without prejudicing the King's service, considering his age, and the employments he has had, it was not friendly to fall upon him to my prejudice. But more shall go with him, or manifest partiality shall appear. I hope Sir George Lockhart will be used according to law. Two or three days ago there was one Scott, a declared rebel, seized on his lands, who has deponed that he has lived there ever since Bothwell, but did not pay the rent out of his own hand, but caused a brother-in-law to do it. I have rare cases prepared, if it be the King's interest the rigour of the law be used against all. One man may cast in the mire, as we say, what ten will not take

[1] The notorious Sir John Cochrane of Ochiltree (in whose line the title, rendered famous in our time by the great naval hero, has descended), was the second son of the first Earl, and uncle of Claverhouse's bride. Our hero's ban upon him is not too severe. At the very time that he was professing the greatest loyalty, he was plotting the deepest treason. At the Circuit in the West he was in the Porteous Roll, upon which occasion he writes to the Chancellor (15th June 1683), "I can appeal to all men that know me, and particularly to all the officers of the army, that upon all occasions I have been as active as any man to suppress all rebels, and particularly Cameron and his associates; for which I have frequently had thanks given me by his Royal Highness, so that I am amazed to find myself suspected of things of this nature."—*Aberdeen Papers*. At the very time, he was plotting treason with Baillie of Jerviswood, and that crew of Scotch traitors, and subsequently was principal coadjutor with Argyle in his miserable attempt upon Scotland. Burnet says, that his life was bought off by old Lord Dundonald paying a fine of £5000 for him.

Digitized by Google

out. After all, I am very indifferent whether my Lord Dundonald be fined or not. It will concern my Lord Cochrane, not me. I will get no more nor I have got; unless it should be signified from above that he has got favour on my account; which I would not despair of if I were at London, and my friends, if they liked, might do; which would put Duke Hamilton mad, for he thinks to do all for them or not meddle with them. I will make another use of those people than is expected. They offer me all assistance in these shires, and my Lord Montgomery[1] is very forward in the King's service. He will write to you when I return to the West, and Buchan will give you account of all at the same time. If there be a necessity of having money, I can give lists, and prove them, of persons ten times guiltier than Dundonald, and able to pay. Whatever come of this, let not my enemies misrepresent me. They may abuse the Duke for a time, and hardly. But, or long, I will, in despight of them, let the world see *that it is not in the power of love, nor any other folly, to alter my loyalty.* My Lord, pardon this idle letter, and believe me your faithful servant. Be kind to Sir John Falconer. I spoke to Dundonald about giving something, and getting his grandchild's forfeiture, and son's escheat, but he will not meddle with them, and will stand his trial."

Seemingly dissatisfied with this, he writes another, and sends both!

Claverhouse to Queensberry.

"EDINBURGH, *May the 19th*, 1684.

"MY LORD:—Though I got all the assurances imaginable from the General, that day I parted from you, that his orders for me should be as soon at Glasgow as I, yet I waited at the Halket, and thereabout, for five or six days, and heard nothing from him. So I was forced to write him, as I did to the Lieutenant-General Drummond, and the President of the Session, that if the King's service was retarded, the blame should not be on me.[2] Upon which he sent me orders. But he is in a

[1] Alexander Lord Montgomery, afterwards ninth Earl of Eglinton. He was married to Lord Cochrane's eldest daughter, Margaret, sister to Claverhouse's bride.

[2] The letters from Claverhouse which fortunately have been recovered, are continually affording evidence of the voluminous character of his official reports, and private correspondence. Here he mentions *three letters* (besides that which he is writing to Queensberry), one to General Dalyell, another to General Drummond, and a third to the Lord President Falconer, all written upon the single occasion of the cross old Commander-in-chief keeping him waiting for orders.

Digitized by Google

terrible huff. I marched to Ayr with Colonel Buchan and the five companies of foot, and the half of the Guards, with my Lord Ross's troop; after which I went into Galloway, and visited the houses appointed for garrisons, and I find them very proper. So soon as beds and other necessaries are provided, the troops will enter into them, which will be immediately. I was at Dumfries, and gave all necesary orders for those that lie there, and have set the Commission to work; after which I went into Clydesdale, and considered the houses appointed for garrisons there. They are proper enough for the use; but by what I can perceive, they will not be provided on a sudden with necessaries. I am now come in to give the Committee account of this, and to know if there be anything further to be done in those countries for the King's service. I find the want of the garrisons in Galloway, and the withdrawing the forces from the shire of Ayr, has occasioned all the insolency that appeared in those rogues this last winter. And now that the troops are so posted, I shall answer for the peace and good order of all those countries, which, in a manner, is all the fanatic part of the kingdom.

"And I must say that the new *allies* that I am like to make, is not unuseful to me in the shires of Ayr and Renfrew. They have the guiding of those shires, and they do strengthen my hands in the King's service; particularly my Lord Montgomery, whom I recommend to your Lordship's favour. I will answer for him that he will be very forward in the King's service, and very sincere in his friendship and duties to your Lordship. I have *written to his royal Highness anent that match*,[1] hearing that Duke Hamilton had scrupled to ally with that family without the King's and Duke's leave. I feared that this might have been advised by some persons to *load me*, that had not been so circumspect. For my own part, I look upon myself as a *cleanzer*. I may cure people guilty of that plague of Presbytery by conversing with them, but cannot be *infected*. And I see very little of that amongst those persons but may be easily rubbed off. And for the young lady herself, I shall answer for her. Had she [not] been right principled, she would never, in despight of her mother and relations [have] made choice of a *persecutor*, as they call me.[2] So, whoever thinks to

[1] Meaning his own marriage.

[2] The "not" which Claverhouse had omitted in this sentence, is essential to his meaning. The omission, indeed, leaves the sense diametrically opposed to what he meant to assert; which must have afforded some amusement to his noble correspondent. But Queensberry was accustomed to this, as Claverhouse, who seems to have written with great rapidity, and not to have revised what he had written, commits like blunders in other letters.

Digitized by Google

misrepresent me on that head, will find themselves mistaken. For both in the King's and Church's cause, drive as fast as they think fit, they will never see me behind. However, my Lord, malice sometimes carries things far; so I must beg your Lordship will defend me if you find anything of this kind stirring.

"The Bishop of Glasgow, when I waited on him at his house, desired me to assure your Lordship of his respects, and put you in mind of what he spoke to you concerning Mr Ross being Principal of the College of Glasgow. I had a letter from Sir John Falconer, wherein he tells me he waits your Lordship's upcoming, and that he expects you will be generous when you have him at mercy; and I hope your Lordship will show him favour (after my Lord Middleton is satisfied), for his concern in that affair.[1] We are all very impatient to hear such news from your Lordship *as we wish*,[2] and your care and zeal in the King's service deserves; and there is none has so good reason to wish you success, as, my Lord, your most humble and faithful servant,

"J. Grahame."

"Mr Colin Mackenzie desires to assure your Lordship of his respects, and begs your assistance in the Clerk's place. For Menzies will die.[3] Sir John Gordon is gone up for it. Sir William Paterson designs the whole office, and many pretenders there are.

Claverhouse to Queensberry.

"Edinburgh, *May the 29th*, [1684].

"My Lord:—I would have been gone to the West or now, but that I was desired by the Committee to stay till the Council-day, and I was desirous to hear what news came from London. It is no small joy to all honest men, who are your Lordship's friends, that the King and Duke are like to understand so well their interest.[4] I know certainly

[1] Claverhouse is here pleading for Sir John Falconer, who was Master of the Mint, under Hatton as General, and peached against him, but failed to save himself thereby. See before, p. 316.

[2] Queensberry's Dukedom, which Claverhouse had taken such immense pains to obtain for him, was not yet conferred.

[3] "*July* 1684. Mr Colin Mackenzie, Advocate, is, upon a letter from the King, admitted conjunct Clerk of Council with Sir William Paterson (who paid a sum of money to keep himself in, as Mr Thomas Gordon had also done, to the Duchess of Portsmouth, to secure himself in the place of Criminal Clerk), and that in the room of Patrick Menzies, deceased, and he turned out Hugh Stevenson from being under clerk, and made use of the service of George Rae instead."—*Fountainhall's Decisions.*

[4] Queensberry, and the rest of the *Junto*, had been sent for by the King, early in May, to discuss the feud between the Lord Treasurer and the Chancellor. In

Digitized by Google

that the Chancellor's friends write that he will demit, and thinks he does not his business right at Court. It is very wisely done in your friends not to brag too much of your affars, however successful. For they write very modestly; yet so as they are understood. I hope when your great concerns are over, you will mind your friends. The two years' purchase lies still over my head, though I have the King's promise that I should pay nothing; and the bond for the superplus of the fines of Galloway, though the King ordered a letter empowering your Lordship to give account of what we should have, both for expense and reward; and this, I may safely say, *was spent*.[1] I can do nothing but recommend all to your goodness. For I need not write to the Duke; a word from your Lordship will do it. I hope my Lord Middleton will do me that justice as to give you account how sincere I was for your service when I was there, though I was not able to do anything, and that your Lordship did not need me.[2] I flatter myself with the hopes that you will do me such good offices with his royal Highness as you have often done heretofore to so good purpose; so that I will not need to fear any misrepresentations can be made against me.

"I am, my Lord, your most humble and most faithful servant,

"J. GRAHAME."

"Mr Menzies cannot live many days, and honest Colin and his friends rely mightily upon your Lordship."[3]

In less than a fortnight after this last letter, the marriage-contract, between "Colonel John Grahame of Claverhouse, *on the one part*, and a noble lady, Lady Jean Cochrane, lawful daughter to the deceased William Lord Cochrane, with the special advice and consent of a noble earl, William Earl of Dundonald, Lord Cochrane of Paisley and Ochiltree, her grandfather, and of John, now Lord Cochrane, her brother, and the said William Earl of Dundonald, and John Lord Cochrane, for themselves, with consent of the said noble lady, *on the*

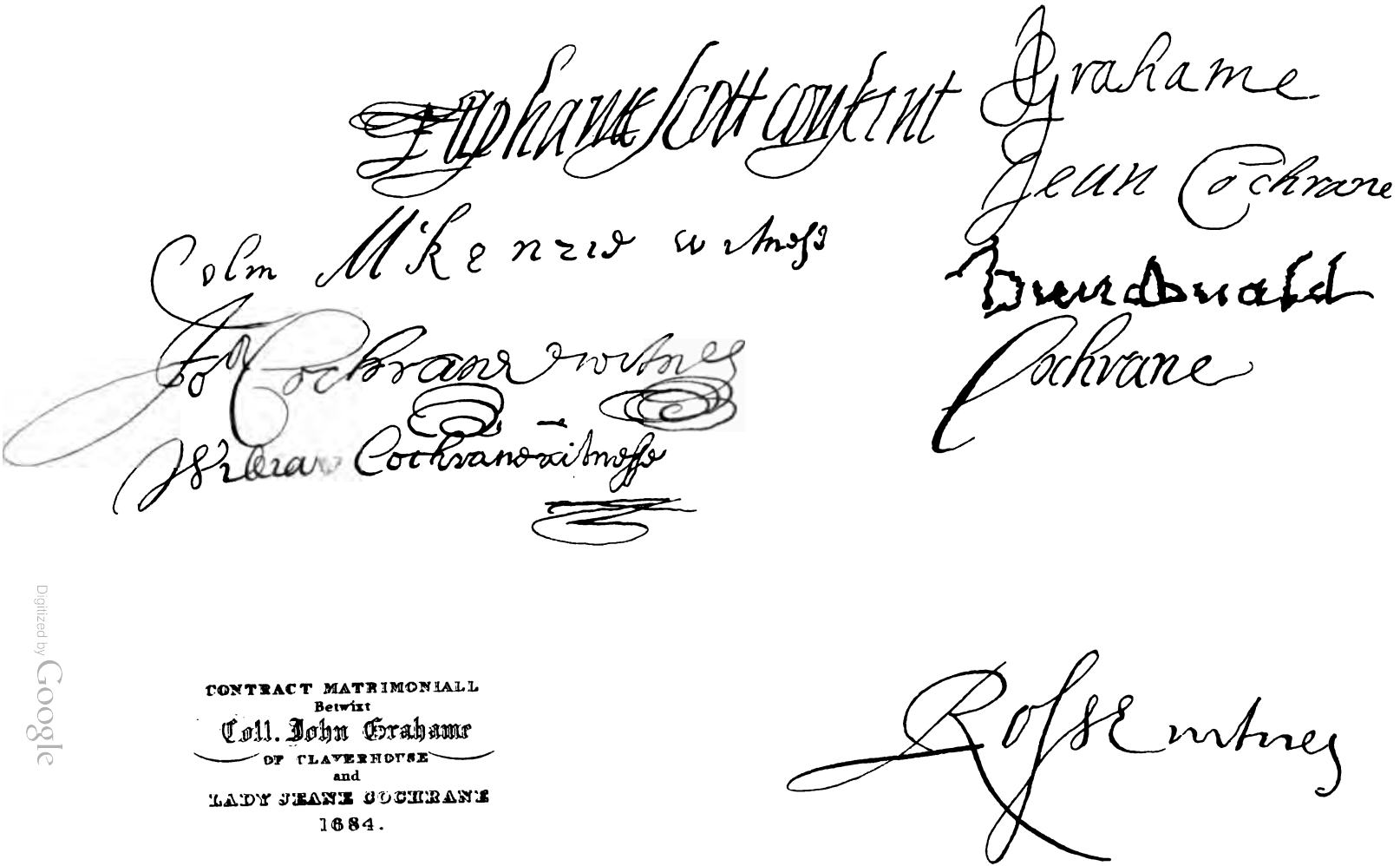
this struggle Aberdeen went to the wall, and the Earl of Perth returned Chancellor in his place, in the month of July.

[1] That is to say, expended in the public service.

[2] Referring to his urgency with the Duke of York in the matter of the Dukedom.

[3] *Queensberry Papers*. This must be said for Claverhouse, that, whatever he may have asked for himself,—and he asked for nothing that he had not doubly earned,—he was a much more frequent and earnest applicant for his friends, including Queensberry himself.

Digitized by Google



CONTRACT MATRIMONIALL
Betwixt
Coll. John Grahame
OF CLAVERHOUSE
and
LADY JEANE COCHRANE
1684.

Digitized by Google

Digitized by Google

other part," is signed by all these parties, "at Paisley, the ninth day of June 1684."[1] The name of "Euphame Scott," Countess of Dundonald, also appears as a consenting party, but not that of Catherine Kennedy, the widowed mother of the bride. The lady's friends had no reason to complain of the provisions. Her jointure, most amply secured, is an annuity of five thousand merks Scots (£276 : 15 : 6, Sterling), with the liferent of "the tower, fortalice, and manor-place of Glen, with houses, biggings, yards, and orchards thereof." It is further provided, "that if the said Colonel John Grahame of Claverhouse shall depart this life before the said Lady Jean Cochrane, without children of the said marriage then in life, that it shall be in the will and option of the said Lady Jean Cochrane either to live at the said house of Glen, and to uplift her said yearly annuity thereat, or to live at any place else where she pleases; and if the said Lady Jean Cochrane shall not think fit to live at the said house of Glen, the said Colonel John Grahame of Claverhouse binds and obliges him and his foresaids, to pay to her, or any having her order or warrant, her said yearly annuity within the burgh of Edinburgh, yearly and termly, at the terms above specified, during all the days of her lifetime:" "And, on the other part, the said William Earl of Dundonald has presently paid and delivered to the said Colonel John Grahame of Claverhouse, for and in name of tocher, with the said Lady Jean Cochrane, his *oye*, the sum of forty thousand merks money foresaid," (£2214 : 4s. Sterling), in full of all legal claims.[2]

[1] The Earl of Dundonald, who was Lord Cochrane of Paisley and Ochiltree, acquired the Lordship of Paisley in 1653, "where," says the Peerage, "he fixed his residence, and lived in great splendor and hospitality for many years." Of many a gay scene had "Bonnie Dundee," the "persecutor," been the admired and envied centre in that lordly mansion, while courting the young backsliding plant of grace; and some stormy ones he must have passed through with the fanatical mother, Lady Catherine Kennedy, who is not unlikely to have administered to his ears what he once threatened to Sir John Dalrymple's.

[2] Claverhouse's marriage-contract was printed by Mr George Smythe of Methven, in the appendix to the volume of Dundee Letters, which he edited so carefully and well for the Bannatyne Club in 1826. Among the witnesses mentioned in the contract, are the bridegroom's noble friends, Lords Ross and Montgomery; also his friend Colin Mackenzie; and William Cochrane, younger of Ochiltree, the son of the traitor Sir John, the abhorred uncle of his bride, at this time a fugitive. A

Digitized by Google

When the great Montrose, at the age of seventeen, espoused his no less youthful bride at Kinnaird, in 1629, the terrible star of his destiny was shining pure and serene, uncrossed by a shadow of his future fate. The rich feasted, and the poor fed. Peace and plenty surrounded the nuptial couch, and the minstrels joyously hailed them in the morning.[1] But as for Claverhouse, the beautiful and the bloody, boot-and-saddle was the word that mingled with the nuptial benediction. The melody of the minstrels, if it ever had time to waken, was drowned in the fanfaro of the trumpets, and the wild clang of the kettle-drums. When he wrote those terrible words—"But, or long, I will in despight of them let the world see that it is not in the power of *love*, nor *any other folly*, to alter my loyalty,"—he committed high treason against the court of Cupid, and so the god of the little bow took him at his word, and punished him on the spot.

At the moment when such desperate and bloody plots and conspiracies were discovered in England, and Scotchmen of all ranks found deeply implicated therein, it was especially imperative that armed bands of fugitated rebels, parading through the worst affected districts in Scotland, displaying the nucleus of the *soi-disant* "army of God,"—which the devil always commanded in the shape of one truculent fanatic or another,—should be instantly crushed by the strongest hand of the executive. Just as the Scotch plotters were sent home to meet their deserts there, the sulphur-springs of the West showed signs of activity again, and one of them began to boil over in an alarming manner. Upon Sunday, the 8th of June 1684, the day before that on which Claverhouse signed his marriage-contract at Paisley, old General Dalyell, then

most imposing array of lands, houses, and biggings, &c., are enumerated, as the heritable security for the lady's jointure. The lands and barony of Ogilvy, commonly called the Glen of Ogilvy, in the parish of Glamis, in Forfarshire; the lands of Claypots, with its manor-place, &c.; the house of Dudhope, and the constabulary of Dundee; the lands of Ballargue, Claverhouse, Myreton, Broughton, Monfieth, Polkello, Polcambock, Tealling, Balgray, Sheilhill, Ballumy, Warieston, Craig, all in Forfarshire; and the lands of Polgavie in Perthshire. These possessions, and their pertinents, show well in the contract, and indicate a large landed proprietor.

[1] See *Memoirs of Montrose*, vol. i. p. 69, published by Mr T. G. Stevenson, 1856.

Digitized by Google

with the troops in Glasgow, was at forenoon sermon, probably asleep like a grizzly bear, upon his huge grey beard, when a hurry came for him that disturbed his rest, and ruffled his temper.

General Dalyell to the Lord Justice-Clerk.

"GLASGOW, *9th June, half-two in the afternoon*, 1684.

"MY LORD:—Yesterday, at the forenoon's sermon, I was *alairmed* of a conventicle at the Blackloch, and sent a party of twenty men of a company, and twenty dragoons, under Lieutenant-Colonel Winrhame. The account you will have by the following two letters of his. I desire your Lordship to communicate this to the Council.—Your Lordship's humble servant,

"T. DALYELL."

I.

"*At the Scheills of Auchingray, seven o'clock at night.*

"MAY IT PLEASE YOUR EXCELLENCE:—I am informed that this day, about ten o'clock, there was convened at Drumlech-hill, about the number of a hundred men and women; most men, and all of them armed with guns and swords. We found they have designed a conventicle, and we find the stoups of the tent on the place where it has been set. I find by information, they have been convening all night. They went away in a full body towards the south-east, about ten o'clock, where I intend to pursue them all night, sending the dragoons a space before, and we to follow as close as we can. If your Excellence intend any new orders for me, I shall leave word at Ballbuckly where I'll be found to-morrow morning. This is all the account can be given at the present.—Your Excellence's most humble servant,

"JO. WYNRHAME."

II.

At the Carbaran Ford, two miles above Hamilton, at ten o'clock in the morning.

"MAY IT PLEASE YOUR EXCELLENCY:—I have been all night in pursuit of the rogues. I traced them from the Blackloch, where the conventicle should have been, to the moor-head. We came there about eleven o'clock, and were informed that they had taken the moors and mosses south-westward; so that we could not follow till daylight, the moors and mosses being very impassable where they went, especially

Digitized by Google

for the dragoons. We traced them out of the moors and mosses, into Allanton; and from thence into Camnethan church; and from Camnethan church to the ford of Clyde, where I find they have passed the water, but at present can get no further account of them. I have met with Sir John Harper, and the young Laird of Wishaw, and am now convening all the country-people about this ford, to try if I can know which way they have gone; and if I can learn it, I resolve to follow them this night more; and if not, I am resolved to come in to Glasgow with the party, who are very much fatigued. In the meantime, if your Excellence have any orders for me, I shall leave word with Sir John Harper where the party will be found. I am fully now informed, that there are four-score armed men, and the matter of twenty women, who kept together yesterday all day, and were at this ford and passed it yesternight, at ten o'clock at night. This is all at present from your Excellence's humble servant,

"Jo. Winrhame."[1]

These dispatches being forthwith laid before an extraordinary meeting of Council by the Lord Justice-Clerk, their thanks were transmitted to the General, along with the most particular and peremptory instructions to abate no vigilance in pursuing these rebels, to ascertain through whose lands they had been suffered to pass without interruption or challenge, and to collect and report evidence on the subject. On the 12th of June thereafter, the Council, by the following minute, express their dissatisfaction at the absence of information, and the want of activity on the part of the authorities on the spot:—

"The Lords of the Committee of his Majesty's Privy Council for public affairs, having received no satisfactory account anent those armed rebels, who lately met in order to a conventicle at Blackloch, upon the confines of the shires of Lanark and Stirling, notwithstanding the Committee are informed that there were at least one hundred men well armed, many of them with blunderbusses, and all of them with guns, pistols, and swords, and that they marched off in full body, and kept together Sunday and Monday [8th and 9th of June], in rank and file, do hereby give order, warrant, and commission to Sir William Paterson, clerk of Council, immediately to repair to Glasgow, to wait upon the General, and to be present at the examination of such persons who have seen

[1] Register of the Privy Council.

Digitized by Google

these rebels; and that the heritors and inhabitants of the bounds through which they passed may likewise be informed of; and who of them have connived with such rogues and rebels; and which of them have been negligent and remiss in not following after and pursuing, or giving timeous information to his Majesty's Privy Council."

In this connivance, or culpable timidity, the Duke of Hamilton's chamberlain, Walker of Rosewall, is found to be very suspiciously implicated; and special instructions are given to examine him, and some others at whose houses the rebels were said to have obtained drink, with the utmost strictness, and to imprison them if necessary; an awkward circumstance for his Grace, who had been so lately accused before the Privy Council of the very delinquency. Meanwhile, on Monday the 9th of June, Claverhouse is at Paisley, signing his marriage-settlement. On Tuesday the 10th, he is being married. But the cry to boot-and-saddle came between the cup and lip. He was off and away to the "moors and mosses," in pursuit of these ragamuffins, that same Tuesday afternoon, leaving his young bride weeping at home, a prey to the gibes of her fanatical mother against the absent "Persecutor." As he was out during the whole of that Tuesday night, had he been of the sentimental mood of the young "heir of Armandave," he might well have sung as he rode off—

"The heath this night must be my bed,
The bracken curtain for my head," &c.

But we suspect rather, he only gave his bridle reins an angry shake, applied the spur with more than usual energy, and banned the Duke of Hamilton. This was on Tuesday the 10th of June. On Friday the 13th, he was back to his bride in Paisley. But that very day, *at noon*, again he had to take horse, and ride through moors and mosses, on the same wild and fruitless adventure.

Claverhouse to the Lord President.

"PAISLEY, 13*th June* 1684.

"MY LORD:—Upon the news of the conventicle near Blackloch, and that one hundred of them had passed Clyde, towards the moors in our quarter, I marched with the half of the Guards—which, by the

Digitized by Google

way, are but twenty-two, when they ought to be fifty—and my Lord Ross's troop, and some dragoons, and thirty foot, and scoured all the mosses but one part towards Lesmahago, which I left Colonel Buchan to seek in his back-going. And he having ordered the foot to march on his right hand a mile or two, they fell on an ambuscade of two hundred rebels, seven of which, being off their body, fired on four of ours, and wounded one of them. They followed the rogues, and advertised Colonel Buchan; but before he could come up, our party had lost sight of them. Colonel Buchan is yet in pursuit, and *I am just taking horse.* I shall be revenged some time or other of this unseasonable trouble these dogs give me. *They might have let Tuesday pass.*

"I am, my Lord, your Lordship's most faithful servant,

"J. GRAHAME."[1]

Meanwhile the old General, to use Claverhouse's phrase, was in a "terrible huff."

General Dalyell to the Lord Justice-Clerk.

"GLASGOW, *15th June, early*, 1684.

"MY LORD:—I can give you no account of the rebels since Claverhouse gave you it from the Halket. I have sent him two expresses since, to know whether they had dispersed at that time or not, that I might have ordered the forces as was fitting; but as yet have heard nothing from him, but that he was yesternight at Ayr. I have ordered Cleland's troop to come to Hamilton, and am ready upon the first notice to march, with three hundred foot and a hundred dragoons, which way the service shall require. I have sent parties to the country, to bring in those three persons Sir William Paterson gave me the names of; and, if the enemy disperse, shall call in several others, to answer for their neglect of the Act of Parliament, and proclamations. Your Lordship knows my opinion was, that the army should have lain in leaguer in the summer time, and to remove as the service should require to several stations, and not to have the small forces hazarded in petty parties, at the discretion of *some people* who hazards them upon very unequal terms. And I pray God prevent the danger may follow on it; for the ruffle of an inconsiderable party of the King's forces will raise a formidable rebellion. If your Lordship please to communicate this

[1] *Queensberry Papers*; official copy sent by the Privy Council to the Lord High Treasurer, who was then with the Chancellor, and the rest of the Scotch *Juncto* in London. The President to whom Claverhouse reports, was Sir David Falconer of Newton. The Tuesday alluded to was his wedding-day.

Digitized by Google

to the Lords of his Majesty's Council, I hope my zeal to his Majesty's service will plead the pardon of, my Lord, your Lordship's humble servant,

"T. DALYELL."

But Claverhouse could not be justly accused of remissness in correspondence. Immediately after the above was written, dispatches from him and Lord Ross reached the General, who incloses them to the Lord Justice-Clerk,[1] with another huffy epistle from himself.

General Dalyell to the Lord Justice-Clerk.

"GLASGOW, *16th June, two o'clock in the morning*, 1684.

"MY LORD:—I received the inclosed late yesternight, and have dispatched this bearer and express with them. They will speak for themselves. But if each man acts after his own fancy, without any order, his Majesty's affairs may suffer; and I doubt not but they will, if some one have not the direction of the war. For this two days bygone, I could not determine whether to draw together the whole forces, or march with a part of this garrison. For it looked very like a general insurrection, and it seems to be something in order to it.[2] Yet I leave the account of Sir William Paterson's business to himself. I am hopeful we shall be quit of our prisoners on Tuesday or Wednesday. During their being here, I was always necessitated to keep the half of the garrison for their guard. I hope your Lordship will communicate this to the Council, and I rest your humble servant,

"T. DALYELL."

Lord Ross to General Dalyell.

"KILBRYDE, *15th June*.

"SIR:—We have traversed many mosses and moors, but have not met the rebels. We passed by the old Castle of Cataloch (Caitloch?),

[1] The Lord Justice-Clerk to whom this letter is addressed, was Sir James Foulis of Colington, recently promoted to that place owing to the disgrace and deprivation of Lord Maitland, who had fallen under suspicions of furthering the treasonable designs of Argyle, his father-in-law.

[2] But the activity displayed by Claverhouse was the very best means for preventing a general insurrection. Besides, he was not only a Colonel of horse, but a Privy Councillor, and a Sheriff; and as for waiting for orders from the old General, he could scarcely obtain them when he wanted them. See his complaint to that effect before, p. 370–1.

Digitized by Google

and by the Whitocks, and Drumclog, and came through strange moors, to the Muirkirk this morning. We came at the heads of Douglas, Lesmahago, and Cairntable-hill. The horse, foot, and dragoons are to Newmilns. Claverhouse will give your Excellency more full information. I intend to wait shortly on your Excellency; and am, may it please your Excellency, your most faithful servant,

"Ross."

Claverhouse to General Dalyell.

"Kilbryde, *June* 15, 1684.

"May it Please Your Excellency:—I parted on Friday (13th) at twelve o'clock from Paisley, went by Kilmarnock and Manchlin, but could hear nothing of these rebels. So, hearing Colonel Buchan was at the old castle of Cumnock, I took by Ochiltree, who sent an express to a tenant's house of his,[1] near Airdmoss, and he brought certain notice that they had been at a meadow near his house the night before, to the number of fifty-nine, all armed. Upon which I sent immediately to the Glenkens, to Captain Strachan, to march to Dalmellington, and to the Sorn, and to leave Manchlin on the left hand, and Newmilns and Loudon-hill on the right, and so to this place, scouring all the suspected places as he came along. I sent to Dumfries, to Earlshall, to march by the Sanquhar, by the Muirkirk, the Whitrick, and the Ploughlands, and so to Streven. Colonel Buchan, with twenty dragoons, and thirty foot mounted on horseback, marched round Cairntable, and by Lieburn and Greenock-head, and so down. My Lord Ross and I, with the horse, came through the hills more easterly, leaving Douglas and Lesmahago a mile or two on our right. We have left *no den, no knowe, no moss, no hill*, unsearched. There is a great drought, so (we) could go almost through all. We traced them from the Boghead near Airdmoss to the Hakhill, within two miles of Cumnock town, and from that to Gap, towards Cairntable, but could never hear more of them. They are separated, as most believe, and gone towards the hills of Moffat. I am sure there is not one man of them within these bounds. Earlshall is not yet come this length, nor Captain Strachan. But they are, I am sure, near; for the last was at Cumnock all night. The troops complain mightily of this march; and I know not what further can be done. So I have sent Colonel Buchan with the troops to Dalmellington, and the troops of Galloway to their quarters.

"I am your Excellency's most humble servant,

"J. Grahame."

[1] This must mean Sir John Cochrane's son *William*, who was infeft in Ochiltree.

Digitized by Google

Claverhouse to the Archbishop of St Andrews.

"PAISLEY, *June 16th*, 1684.

"MAY IT PLEASE YOUR GRACE:—I had not needed any order to have written to your Grace, if I had been sure my letters would have found you at Edinburgh. I have given account of what has passed here, *every post*, to those of the King's servants that are at London;[1] and have given the General particular accounts of everything, from time to time; whose business it was to acquaint the Council with it. However, since your Grace desires me to do it, I shall.

"It will not be necessary to repeat what I have already written to my Lord President. However, to follow the thread of that affair, there was a Conventicle at Blackloch, on Sunday was eight-days.[2] It seems the General got notice of it that day, about twelve o'clock, and sent out a party of foot and dragoons, who, being led straight to the place, missed the rebels, who were marching some way on the right hand toward Clyde; and when they got notice and made after them it was too late. The foot was wearied, and the rebels were got over Clyde, and no further intelligence could be found of them. So they returned to Glasgow. I passed at the Kirk-of-Shotts, which is not far from the place, on the Saturday before, about six o'clock at night; and about eight, as I passed at Glasgow, I sent to acquaint the General that I would be at Paisley, if he had any orders for me. Yet I heard nothing of this till *Tuesday morning*, that my Lord Ross told me he had a letter from the General about it.[3] Upon which, I sent immediately and ordered Colonel Buchan to meet me at Newmills, with the half of the troop of Guards,[4] my Lord Ross's troop, and the thirty Fusiliers he had with

[1] Besides the letters we have been able to recover, it seems that Claverhouse had written many others upon this single occasion. The fatigue of writing about it must have been as great as the fatigue of riding. It would really seem that, throughout his whole career, the pen was never out of Claverhouse's hand.

[2] Sunday, the 8th of June, 1684, the day before that on which Claverhouse's marriage-contract was signed at Paisley.

[3] Lord Ross was of the bridal party at Lord Dundonald's, and a witness to the signing of the marriage settlements on the Monday. The cross old General had no grounds for complaining of Claverhouse having acted too independently in starting on Tuesday (his wedding-day), to endeavour to intercept the rebels whom Colonel Wynrhame had missed. He had asked the General for orders, and, although the superior officer to Lord Ross, had received no communication from him at all.

[4] The young Marquis of Montrose, Claverhouse's first patron in the service, who commanded the Scotch Guards, died of a fever, greatly lamented, in the month of April 1684, and the royal troop was now commanded by the Earl of Linlithgow's

Digitized by Google

him at Dalmellington; and I called out Captain Inglis's dragoons; and, on *Tuesday night*, and *Wednesday all day*, we came through the moors and over the hills that lay betwixt Clydesdale and the shire of Ayr; and made exact search and enquiry for those rebels, but could not hear the least of them. But only at Ploughlands, in the head of Strathaven, we saw two men running to the hills; we followed them, but because of the mosses could not reach them. We examined all the people about upon oath, and learned that the one was a fellow called William Young, born in the same parish, and the other was one Leith, born about Newmills, both rebels, and was in arms at that time. The people also deponed, that, about a fortnight before, they had seen twelve men in arms, and that several times they had seen lesser numbers since, but could give no account of any that had been seen for three or four days before. Upon which we concluded that they had not taken that way, or were dissipated. So, when we came to Streven (Strathaven), I left the command to Colonel Buchan, and desired him to return the troops to their quarters; but, in his march to search the skirts of the hills and moors on the Clydesdale side; which he did, and gave me an account that, going in by the Greenock-head, he met a man that lives down on Clydeside, that was up buying wool, who told him that on Lidburn, which is in the heart of the hills on the Clydesdale side, he had seen a great number of rebels in arms, and told how he had considered the commanders of them. One of them, he said, was a lusty black man with one eye, and the other was a good-like man, and wore a grey hat. The first had on a velvet cap. But before he (Colonel Buchan), could come near the place, a party of foot, that he had sent to march on his right, fell accidentally on them. Four of our soldiers going before to discover, were fired on by seven that started up out of a glen, and one of ours was wounded. They fired at the rebels, who, seeing our party of foot making up, and the horse in sight, took the alarm, and gained the hills, which was all moss. The foot seeing them so numerous, and the ground such as they [*the horse?*] could not come to their relief, thought not fit to engage wholely, but advertised Colonel Buchan, who, though he made all imaginable diligence, could never come in sight of them after the first view. However, they having taken up towards *Cumloch* (Cumnock), he made haste thither to stop their pass at Galloway. This passed on Thursday; and on Friday morning,

son, Lord Livingston. See letter on the subject, from the Duke of York, dated London, 1st May 1684, quoted before, vol. i. p. 333, *note*, from the Queensberry Papers.

Digitized by Google

Colonel Buchan acquainted me with it.[1] I went immediately to Mauchlin, and from this to Cumlock, where we learned that on Thursday night they had passed at the bog-head, near Airdsmoss, and were then only fifty-nine in arms. They were running in great haste, barefooted many of them, and taking horses in some places to help them forward. We heard they went from that to a place called the Hakhill, within two miles of Cumlock, and from that to the Gap [water], which goes to the hills lying betwixt the Sanquhar and Moffat. But we could never hear more of them. I sent on Friday night for my troop from Dumfries, and ordered them to march by the Sanquhar to the Muirkirk, to the Ploughlands, and so to Streven. I sent for Captain Strachan's troop from the Glenkens, and ordered him to march to the old castle of Cumlock, down to the Sorne, and through the country to Kilbryde, leaving Mauchlin and Newmills on his left, and Loudon-hill on his right. By this means they scoured this country, and secured the passages that way. Colonel Buchan marched with the foot and dragoons some miles on the right of my troop, and I, with the Guards, and my Lord Ross and his troop up by the [*Shaire?*] We were at the head of Douglas. We were round and over Cairntable. We were at Greenock-head, Cummer-head, and through all the moors, mosses, hills, glens, woods; and spread in small parties, and ranged as if we had been at hunting, and down to Blackwood, but could learn nothing of those rogues. So the troops being extremely harassed with marching so much in grounds *never trod on before*, I have sent them with Colonel Buchan to rest at Dalmellington, till we see where these rogues will start up. We examined all on oath, and offered money, and *threatened terribly*, for intelligence, but we could learn no more.

"I am, my Lord, your Grace's most faithful and most humble servant,

"J. GRAHAME."[2]

[1] This was Friday, 13th June, by which time Claverhouse, after having been out all Tuesday night, Wednesday and Thursday, had returned to his bride at Paisley, but was obliged to take horse again that same Friday, in consequence of Colonel Buchan's report. All this must have created a vast bustle among the bridal party. What a stir as the "Persecutor's" charger (said to be Satan) was led out. Dr Burns (Wodrow's editor) says, "Claverhouse never visited Renfrewshire in his military capacity;" "and *hence*," he adds, "a rather milder form of persecution" in that quarter! iv. p. 296.

[2] Queensberry Papers; official copy sent to the Lord High Treasurer and *Juncto* in London, for the information of the King and Duke of York. The letter is addressed, "To the Lord Bishop of St. Andrews," who at this time was Dr Alexander Burnet, the successor of the murdered Primate. He had been previously Archbishop of Glasgow. In a volume of collected letters, illustrative of the period

Digitized by Google

Ere long, the rogues did start up again, somewhat to the astonishment and discomfiture of the harassed dragoons, although the affair was not quite so bad as that of Drumclog. Nor does Claverhouse appear to have been at that time with the party, who were conveying prisoners to Dumfries. Fountainhall thus notes it:—"July, 1684: Some of the King's forces, bringing in sixteen prisoners taken in the West, a number of these rebels (some called them English borderers), did waylay and assault them at a narrow pass at Enterkine-hill, where there is a very strait road, and a deep precipice on both sides, and rescued some of the prisoners. Others of them were slain in the conflict; two of them broke their necks over the precipice;—other two were brought forward to Edinburgh; and one or two of the King's forces were killed."[1]

This audacious and too successful ambuscade again alarmed and roused the Government. On the 1st of August 1684, "The Lords of his Majesty's Privy Council, considering that several desperate rebels do daily break out in arms, in multitudes, at their seditious field conventicles, and *lay ambuscades* for his

printed in 1848 (and most obligingly communicated by the Reverend William G. Shaw, Episcopal clergyman at Forfar), there are some very interesting letters from Archbishop Burnet to the Archbishop of Canterbury, Sancroft, from 1678 to 1684. The last is dated from Edinburgh, July 29, 1684, and is thus endorsed in the hand of his illustrious correspondent, who greatly respected and lamented him:

"Frō yᵉ Lᵈ AP of S. Andrews, July 29.
Obiit Aug. 22, 1684, *horâ* 2ª *matutinâ*.
Multis ille Bonis flebilis occidit:
Nulli flebilior, quam tibi, Scotia."

So, he had died about two months after receiving the above report from Claverhouse, for which he had specially asked.

[1] In Defoe's fanatical "Memoirs of the Church of Scotland," (published in London, 1717), a virulent collection of calumnious fables, the incident of the rescue of these prisoners at Enterkin pass is garnished with details about as true as Robinson Crusoe. He says, that the party of dragoons was commanded by *two officers;* the *first* of whom was shot through the head, and fell over the precipice; after which, the *second* "commanding officer" struck up a *truce* with the rebels, delivered up to them their *minister* (who, he says, was the principal prisoner), and when the triumphant rebels proposed to *fight it out*, declined doing so, in these complimentary terms,—"No," says the officer, "*I think ye be brave fellows, e'en gang your gate.*" p. 190–3. We have no room for more of Defoe's trash, which is sufficiently contradicted by Fountainhall. There is no record of any officer being slain on that occasion.

Digitized by Google

Majesty's forces, and *kill some of them*, and *rescue prisoners* in their custody, to the high contempt of the laws, and affront of his Majesty's Government,—to prevent and suppress all such rebellious courses for the future, and to reduce the country to their due obedience, and not to suffer any skulking vagrant rogues to go up and down the country to the disturbance of the peace thereof, and disquiet of the kingdom, have thought fit to dispose of his Majesty's forces so as they may be most fit for service." Under these new orders, the horse and dragoons were dispersed and stationed as follows:—A squadron of the royal troop of Guards was attached to Edinburgh; another squadron was sent to Fife under the Earl of Balcarres; Adam Urquhart of Meldrum's troop of horse, and Lord Charles Murray's troop of dragoons, were sent to Teviotdale; a company of dragoons were stationed at Glasgow, under Sir James Turner; General Dalyell's own troop of dragoons, and Captain Strachan's, were placed in garrison in Galloway and Nithsdale; Lord Drumlanrig was stationed at Dumfries, in command of his troop of Claverhouse's regiment of horse; Claverhouse's own troop, which was the leading troop of the six that composed his regiment, along with Lord Ross's of the same, and Captain Inglis's, and Captain Cleland's, troops of dragoons, were appointed to Ayrshire, "or anywhere else the commanding officer shall think best for the good of the Government." Claverhouse himself, along with Lieutenant-Colonel Buchan, as second, was placed in command of the whole forces, foot, horse, and dragoons, in the shires of Ayr and Clydesdale, to which was superadded a special civil commission to both these officers, or their deputies, to trace out the rebels and their abettors, to take evidence upon oath, and to report to Government. In consequence of this new disposition of troops, and continual alarms from that quarter, our hero had again been scouring the moors and mosses of Ayrshire and the West.

Claverhouse to Queensberry.

"STREVEN, *August the 5th*, 1684.

"MY LORD:—I came by Douglas and Ochiltree, and by Mauchlin and Newmills, which is the moor-country; and from this I am going

Digitized by Google

through Renfrew, and through the low parts of the shire of Ayr, up to Dalmellington. The foot is marched this night from Ayr to the foggy road, and from that they go east all the way through the hills to Moffat. I have written to the garrisons of Galloway to draw out, and march all along on the right, and I, with the troops I have here, will march on their left, on this side the hills. I caused make a search through their moors, a-purpose to chase them from this to the hills, and make them think themselves secure there. But they have such intelligence that there is no surprising them. When we came here, they told they heard of my coming; and last night I was asking if there were any troops at Newmills, as I came from Mauchline, and though it was under night, and nobody but my own servants, they told me my Lord Ross's troop was there, and that I was expected. I fear we do nothing; for, so soon as I come, I find they acquaint all the country, expecting a search. I shall be with your Lordship on Monday, and give you my opinion of the state of things here. I am, my Lord, your most faithful and most humble servant,

"J. GRAHAME."

Before the end of this same month, however, we find our hero actually in a state of complete repose, fairly installed in his long coveted possession of Dudhope, and the Constabulary, enjoying the society, doubtless, of his young bride, yet seemingly somewhat tired already of this, to him unusual, mode of existence.

Claverhouse to Queensberry.

"DUDHOPE, *August 25th*, 1684.

"MY LORD:—By a letter from Mr Colin Mackenzie, I hear your Lordship will advertise me when you have any service for me. However, I thought it my duty to let your Lordship know, that, while I enjoy here the fruits of your favour, I am not unmindful what I owe you. And though your Lordship have nothing to command me, I will wait on you at Edinburgh before you go home. Though I stay a few days here, I hope nobody will reproach me of *eating the bread of idleness;* seeing nobody has, and will go more cheerfully about anything that concerns the King's or your Lordship's service, than, my Lord, your Lordship's most humble and obedient servant,

"J. GRAHAME."

Notwithstanding the royal letter in his favour, it was only

Digitized by Google

after a long protracted struggle in the courts of law, with the unfortunate Earl of Lauderdale, that Claverhouse obtained possession of Dudhope, and the jurisdiction of Dundee. Seventy-two thousand pounds sterling was the enormous sum for which decree had gone out in Scotland, against all the officials of the Mint, great and small, each being liable for the whole. This, however, was subject to the approval of the King. The Secretary, Earl Middleton, and Claverhouse himself, were entrusted with the framing of the royal letter in London. The liability of Lauderdale was, by this letter, mitigated to twenty thousand pounds sterling, by reason of the long and loyal services, in other respects, of that once powerful but now ruined General of the *Cunzie*. Of this, the King gifts sixteen thousand to his Chancellor, Aberdeen, and four thousand to John Graham of Claverhouse. To these gifts the important alternative was attached, that if Lauderdale and his son, Maitland, Lord Justice-Clerk, should dispone under a clear unburdened title, their lands and lordship of Dundee and Dudhope, including all their lands within two miles of Dundee, they were then to be exonerated from the payment of the twenty thousand pounds; Lauderdale also discharging all claims of relief against Sir John Falconer, Master of the Mint, John Falconer of Phesdo, the Warden, and the other subordinates, who were all separately fined in due proportion. In this case, a power was given to Claverhouse, to redeem from the Chancellor, at twenty years purchase, the house of Dudhope, with its parks, orchard, garden, and plantations, and also the valuable heritable jurisdiction, called the Constabulary of Dundee, with all its emoluments and privileges.[1] As at this time, however, the Chancellor and Claverhouse were on the most friendly and confidential terms, it was privately understood between them, that the former was not to exact from his friend and emissary the twenty years' purchase, but that Claverhouse, instead thereof, was to purchase from him certain lands lying beyond the policy of Dud-

[1] A copy of the royal letter, which was printed, is among the collection of stray State Papers in the Advocates' Library. Fountainhall also in his Decisions, and Historical Notices, has many entries on the subject of the process against the officials of the Mint, and the subsequent contest between Claverhouse and Lauderdale.

Digitized by Google

hope, at a fair price, as it suited the Chancellor rather to possess lands in the north. This royal award came down to Scotland in the month of May 1683. Aberdeen, well aware of his unpopularity among the Scotch nobility, and that the favour of the Duke of York would be quite unequal to sustain him long in his lofty position, against the power of the Marquis of Queensberry, determined to make what hay he could while the sun shone. In the month of August, he made his peace with Lauderdale privately, and, without the knowledge of Claverhouse, (to whose activity and influence at court he was mainly indebted for the royal gift), agreed to accept from that family the sum of eight thousand pounds sterling, in full of all demands, he assigning over to them his whole rights under the royal letter, and also under the original decree of the Mint, which, by the King's letter, had been assigned to the Chancellor.[1] This unhandsome dealing sold Claverhouse, and

[1] With this spoil, the Chancellor, Lord Aberdeen, was content to retire into what could scarcely be called *otium cum dignitate*. His conducting the impeachment of the Mint officials was of a piece with his behaviour to Claverhouse. In the subsequent attempts by Lauderdale to reduce the decree against him, a Lord of Session, Sir Alexander Seton of Pitmedden, gave the following evidence upon oath :—"The Lord Pitmedden deponed, that when the probation came to be advised, the question was moved, whether the testimony of John Falconer, Warden, being but a single witness, could be a probation? The deponent, being then to vote in the cause, desired of the Earl of Aberdeen, then Chancellor, to call the advocates to debate that point, how far a single witness, in any case, could prove; in regard the deponent was unwilling to give a vote against the King, so long as he had hope to be cleared; and this desire being refused, and the question being put to the vote, the deponent voted that a single testimony did not prove, and it was so carried by a plurality of votes. After which, the Earl of Aberdeen did say, in these or the like words—'*Is this the way, my Lords, you guide the King's affairs? This must be represented.*' And the deponent answered—'*God bless the King; it were happy for the Lords, that his Majesty were often among them, to behold their actions.*' And the Earl of Aberdeen answered the deponent in these, or the like words—'*How come you to answer more than the rest?*' "—"Abbreviate of the Depositions of the witnesses, adduced by the Earl of Lauderdale against the Earl of Aberdeen."—*Advocates' Library.*

Fountainhall mentions, that at a hearing of Claverhouse's cause, on the 31st of January 1684, "the reason Claverhouse gave why he was not bound to pay twenty years' purchase, was, that it was expressly communed between the Chancellor and him that he should have it *gratis*, without any payment, which the Chancellor denying on the Bench, Clavers replied with *some heat.*"—*Fountainhall's Decisions.* But the whole tenor of Claverhouse's communings and correspondence with Aberdeen on the subject makes against the Chancellor's denial; and Claverhouse, the Duke of York declared, was not the man "to say the things that are not."

Digitized by Google

threw him into the hands of Lauderdale, who knew how to make it difficult for him to get anything at all. After much and vexatious litigation, in which the King himself endeavoured to bring matters to a speedy and equitable conclusion, it was finally determined by the Court in Scotland, that Claverhouse was entitled to demand from Lauderdale a clear title to Dudhope and Dundee, he paying therefor the twenty years' purchase mentioned in the King's letter, notwithstanding of any private arrangement or understanding to the contrary that had passed between him and the Chancellor, who had assigned his right away without any such condition in favour of his former ally. Then came the question of clearing the title from all burdens; in which Lauderdale was so difficult to deal with, that the royal remission, necessary to protect the family from all further trouble, civil or criminal, on account of high crimes and misdemeanours committed under public trust, was withheld, until Claverhouse became satisfied and securely installed. A very peremptory royal letter to this effect came down on the 29th of March 1684, which had the desired effect, as we find our hero residing at Dudhope in the month of August thereafter, as soon as the dispersion of the armed conventiclers allowed him to do so.

Had the nature of Claverhouse been such as has been represented, there was one mode in which he might have relieved the monotony of his honey-moon at Dudhope, instead of so soon applying for active employment. He was supreme in the jurisdiction of the Constabulary, and had the power of life and death. In the dungeons of Dundee were some dainty subjects to appease his appetite for blood; wretched delinquents, liable to the last punishment of the law, under the existing severity of the criminal code of Scotland, for thefts and depredations of a petty character. He might have raised the gallows-tree in sight of Dudhope, and feasted his eyes with a hanging when wearied of looking on his bride. But this was not the nature of Claverhouse. He proved himself a friend to the unfortunates who came under the power of his humane and enlightened sense of criminal justice. We cannot discover that he had ever committed a single act of cruelty in his whole career, and certainly he did not commence to be

Digitized by Google

cruel as Constable of Dundee. His desire for renewed activity was not immediately gratified. But, to use his own phrase, no one could reproach him with eating the bread of idleness. He investigated the cases of crime under his new jurisdiction, and determined that in his reign, at least, the criminal code should be ameliorated there, and the hangman's office not so lucrative as it had been. While he is still at Dudhope, the following deliverance of the Privy Council is recorded in their Register, to the everlasting honour of that military member of it, upon whom the base and ignorant fanaticism of Scotland has bestowed the title of "Bloody Clavers."

"EDINBURGH, 10*th September* 1684.—Whereas, it being *represented* to the Lords of his Majesty's Privy Council, by Colonel Graham of Claverhouse, CONSTABLE OF DUNDEE, that there are several prisoners in the Tolbooth of that burgh for petty or small thefts, or picking, which will be fitter to be punished *arbitrarily* than by *death*. The said Lords do therefore give full power and commission to the said Colonel Graham of Claverhouse, Constable of Dundee, to *restrict the punishment appointed by law*, against such persons within his jurisdiction already made prisoners, or that shall *hereafter be made prisoners*, upon account of the foresaid petty and small thefts, or picking, to an *arbitrary punishment*, such as whipping, or banishment, *as he shall find cause*." [1]

[1] *Privy Council Register*. Mr Robert Chambers, having come upon this in searching that record, could scarcely believe his eyes. So engrained in the Scotch mind has the idea of Claverhouse's *cruelty* become, that even this intelligent and liberal-minded investigator seems to have only regarded it as affording curious evidence of the psychological phenomenon of a man with two natures. After giving a short abridgement of the minute of Council quoted in our text, he is puzzled how to deal with it, as we might fancy a geologist puzzled, who had stumbled upon a human toe in the tertiary formation. "It will excite surprise," says our excellent townsman, "to find the *Bloody Claver'se* interposing for a gentler justice in behalf of ordinary criminals—he who *coolly* ordered the *summary* death of *so many* people in Clydesdale, and Galloway, for *merely sentimental* offences." Stop there, Domestic Annalist! Your proof? Give us a single authenticated case of any such summary execution under the fiat of Claverhouse, *prior* to the date of that minute of Privy Council. Give us a single authenticated case of the kind against him *after* that date, other than the military execution of *John Brown*. Then explain what you mean by the phrase "sentimental offences"? Mr Chambers, philosophising on the subject, thinks the phenomenon may be accounted for "if we remember how amiable in private life have been many modern statesmen, *noted for severity* in public action." Stop there again! We doubt it. But Claverhouse's *abnormal*

Digitized by Google

SECTION XI.—*State of the Country at the close of the Year* 1684. *Spence and Carstairs Tortured. Their Disclosures. Baillie of Jerviswood Hanged. Renwick's Apologetical Declaration, and Murders following thereon. Letters from the Lord Clerk Register and Duke Hamilton to Queensberry on the subject. The Tolbooth of Kirkcudbright stormed by the Conventiclers. Claverhouse succeeds in making an example of some of the Murderers and Rebels. Wodrow's False Record of it.*

But the savage spirit still abroad in Scotland, under the abused name of Religion, rendered any real or systematic amelioration of the criminal code a thing as yet totally out of the question. There were too many plots, within and without the kingdom, of the most anarchical character as regarded the State, and the most truculent as regarded individuals, to admit of any other consideration than how best to bring the whole existing powers of the law and the sword to bear against the enemies of social order, and the Throne. The covenanting plot, or rather *plan*, to murder their opponents, hatched and howled in the wildernesses of the West by the conventicle preachers, whose chief representative at this time was a scoundrel of the name of Renwick, was still cherished and promoted with the same fanatical zeal that triumphed on Magus Moor in 1679. Cameron was slain, fighting like a mad dog. Mitchell, Hackstone, King, Kid, and Cargill, were all hanged; some begging for mercy, some braving it with brandy. But these celebrated "Scots Worthies" still found a fitting representative; and the same horrid system for which they had

humanity, as here commented upon, was humanity in *public action*, not in *private life*. Nor is this the only surprise Mr Chambers met with in that page of the Privy Council Register. "*August* 15, 1684.—Monro, the Edinburgh executioner, having beaten a beggar with undue severity, was deprived of his post, and moreover punished by being thrown into the thieves' hole. One hears with surprise of such an *interference for humanity* amidst the *atrocious cruelties* to which political and *religious* exasperations were provoking the government."—*Dom. Ann.*, ii. p. 461. We could give our Domestic Annalist a hundred such *surprises*, from the very same source. This is merely *sentimental history*. The *cruelty* of Government in those days is no less a calumnious myth, begotten of fanaticism upon popular excitement, by those whose system was to *propagate their faith through slander*, than is the cruelty of Claverhouse.

Digitized by Google

suffered, continued both to be preached and practised by those who had caught their mantles. Soldiers doing their duty to their King, statesmen to their Country, clergymen to their God, were to be shot down from ambuscades on the highway, or murdered at midnight in their dwellings. Mercifully, the power was not quite equal to the will. But every official of the Government, every counsellor of the King, the King himself, and all his race, were denounced, by these saints and martyrs, and declared ripe for the assassin's knife, under the directing finger of God, even as the aged Primate had been sacrificed in the arms of his daughter. The King was not King. The Law was not law. The Sovereign was Satan. The Bishops were his fiends. By the lynch-law of the covenanted kirk, the blood of all these *uncovenanted* was to be made to flow until the ark of God floated thereon. The Holy Scriptures were to them a text-book of malevolent passions, murder and assassination. This is no exaggeration. It is merely an epitome of their own preachments and proclamations, which were practically illustrated whenever these savages found a safe opportunity. Crush the conventicle system by a few dragoons? Arrest its growth by a few garrisons? Vain attempt! Its branches were in Holland. Its roots were in Hell.

But what rendered the system again rampant in 1684, was the plotting in London of certain subjects of Scotland, whom that unhappy victim of his own fanatical folly, Baillie of Jerviswood, happens chiefly to represent in the mendacious pages of Scotch martyrologies. There can be no question that all the outbreaks of the armed conventiclers, their treasonable proclamations, and truculent deeds, were connected with the revolutionary plots of the Scotch traitors, plotting in London, and plotting in Holland. The Rye House, the Russell, the Burnet, the Jerviswood, and the Renwick plots, all "ran into each other." The Scotch contingent of treachery and treason which blew up and shattered the rogues in 1684 was the very same plot and plan, even including some of the same *dramatis personæ*, that came to grief among the Pentlands in 1666.[1]

[1] See before, pages 156–158. Carstairs, in his judicial confession, depones, that "*James Stewart, brother to Coltness*," wrote to him *from Holland*, that, "if any con-

Digitized by Google

The most deplorable consequence of this state of the country was the effect it had in sustaining the credit, so to speak, even in the eyes of civilised Europe, of that vilest of Judicial and executive aids, the eliciting concealed truth, not from out the moral sense of rectitude, but from the physical sense of pain. Better that Truth were left to rot in her well, than be dragged to light by means which, to every humane and enlightened mind, is now only suggestive of the powers of darkness. It was then, however, the *regulated law* of Scotland, as it had been, the far viler *arbitrary practice* in England, during the reign of Elizabeth. As for the rest of Europe, it was there generally recognised as a dire necessity of social government; and the fearful crisis, when a plot, not merely to revolutionize the monarchy, but to murder the most good natured of monarchs, and his equally humane brother, next heir to the throne, had been discovered, beyond the power of contradiction, was a time when to have dispensed with the long established law of torture, a law which even the Presbyteries in Scotland were ever ready to apply to the unfortunates whom they decreed to be *witches*, was simply an impossibility for the Government of that country.

But there was no desire, on the part of the *Juncto* in Scotland, to resort to torture if that deplorable exercise of their power could be avoided. Without adopting Lord Macaulay's inflated nonsense (borrowed from Burnet), about all the Privy Councillors, *except the Duke of York*, rushing out of the chamber whenever the executioner entered with the boots, it

siderable sum of money could be procured from England, something of importance might be done in Scotland;" and that "the said Mr Stewart had written to the deponent about remitting money to the said Earl (Argyle)," &c.; and "raising a thousand horse and dragoons, and the *securing the Castle of Edinburgh* as a matter of the greatest importance," &c. The Earl of Tarras, too, in his confession, depones, that Jerviswood was to be sent to Holland with the money for Argyle; "and that it was talked amongst them, that in case those in England should rise in arms, that it was necessary in that case, that so many as *could be got on the borders*, should be ready to *deal with stragglers*, and *seize upon horses*," &c.; and that "it was *convenient the Castles of Stirling, Berwick, and some other strengths, should be seized upon*." This is just the Dutch plot of 1666. Earl Tarras also mentions their being in communication with "Mr William Veitch, a forfault traitor, who was in Northumberland." —Print of Jerviswood's Trial, published by authority at the time, and edited by the Lord Clerk Register.—*Advocates' Library*.

Digitized by Google

may be said with truth and justice, that that duty was a horror to them all, and ever regarded as the last resource of the State in peril. The disclosures to Government, however, of the Russell and Rye House machinations, brought two culprits on the stage, whose own will and determination rendered it absolutely impossible, under existing circumstances, that they should not be tortured. It is indeed sad to think (the fortitude and physical endurance of these suffering traitors not being equal to that of King William's victim, Nevil Pain), that the determination with which they at first braved the worst power of the executive, gave way under that terrible ordeal, and afforded the most savage of systems a triumph so complete as to amount in those times to its justification. These two delinquents were, Argyle's chamberlain, William Spence, and the notorious Reverend William Carstairs.[1]

At the crisis of the Rye House Plot, some of Argyle's traitorous correspondence, concealed in cypher, had fallen into the hands of the Government in London. A design to assassinate the King and his brother having been partially discovered, to accomplish the decyphering of such secret missives was im-

[1] Fountainhall records, in reference to torturing Spence and Carstairs,—"5th September 1684 :—Duke Hamilton opposed this torturing much ; and alleged that, at this rate, they might, without accusers or witnesses, take any person off the streets, and torture him ; *et nemo in aliorum caput est torquendus ;* and he *retired*, and refused to be present, on this ground, that if the party should die in the torture, the Judges were *liable for murder ;* at least, were severely censurable."—*Decisions.* Hamilton is well entitled to laudation, in these times, for any sentiment against torture. But he is not entitled to it unjustly, at the expense of others. His mode of stating it was unfair to Government, who were all as humane as he was. Spence and Carstairs were tortured, because it was well known *they had keys* to the treasonable letters, and were *themselves plotting treason.* This was known from evidence in London. The result *justified* the Government of the day, as Fountainhall himself admits. Spence gave up all the keys ; and Carstairs not only revealed the whole details of the plot, but deponed, that the villain Ferguson confided to him, Carstairs,—"that for the saving of *innocent blood*, itwould be necessary to *cut off a few*, insinuating the *King and the Duke*, but cannot be *positive* whether he named them or not ; to which the deponent said, "*That's work for our wild people in Scotland*, my conscience does not serve me for such things." His conscience, however, allowed him to go on daily associating, and plotting treason, with this truculent rascal. It was easy for Hamilton, who was not in the Government, to parade such sentiments of humanity. But he presided over the Convention at the Revolution. How came his Grace not to insist upon King William abrogating the law of torture in Scotland ?—See before, p. 113–14, Sir George Mackenzie's admirable remarks on that subject.

Digitized by Google

perative upon Government. Argyle's chamberlain was seized, and sent to Scotland, along with Carstairs, Jerviswood, and other parties against whom information had been lodged. About the very time when the prisoners in custody of the dragoons were rescued by armed rebels at Enterkin pass, and some of the soldiers killed, extreme measures were adopted by the Privy Council of Scotland to extort truth from treason. Fountainhall records the deplorable proceedings with a manifest sense of the sad necessity, as matters then stood:—

"*July* 26, 1684.—Mr William Spence, late servant to the Earl of Argyle, by order of the Privy Council, is tortured and put in the boots, to force him to reveal what he knows of the Earl's and other persons' accession to the late English fanatic plot, and the association and design of raising: and in regard he refused to depone upon oath *if he had the key* whereby he could read some letters of the Earl's, produced by Major Holmes, written in cyphers; and seeing he *would not* say upon oath that he *could not read them*, and that they offered to secure him by a *pardon for his life*, it rendered him *very obnoxious*, and suspect of prevarication; so that, after the torture, he was put into General Dalyell's hands; and it was *reported* that by a hair-shirt and pricking (as the *witches* are used) he was five nights kept from sleep, till he was turned half-distracted. He eated very little, of purpose that he might require the less sleep; yet all this while he discovered nothing; and though he had done it, yet little credit was to be given to what he should say at such a time."

This last remark is most true, that anything said by the poor sufferer, either during his tortured moments, or his sleepless hours, could be of no more value as evidence than the incoherent ravings of a distempered dream. But such was not the species of evidence which Government obtained by those lamentable means. His subsequent detailed confession was too deliberate, and too well corroborated from various sources, to admit the shadow of a doubt as to its truth.

"*August 7th*, 1684.—At Privy Council, Spence, mentioned 26th July, is again tortured, and his thumbs crushed with thumbikins. It is a new invention, used among the colliers when transgressors; and discovered by Generals Dalyell and Drummond, they having seen

Digitized by Google

them used in Muscovy. After this, when they were about to put him again in the boots, he, being frightened, desired some time, and he would declare what he knew. Whereupon they gave him some time, and sequestrated him in the Castle of Edinburgh, as a place where he would be free from any bad advice or impressions to be obstinate in not revealing."

"*August* 23*d*, 1684.—Mr William Spence, mentioned 7th current, to avoid any further torture, *reads these hieroglyphic letters;* and agrees with Mr Holme's declaration, that Argyle, Loudon, Campbell, the late President Stair, Sir John Cochrane, and others, had formed a design *to raise an army in Scotland*, and to land at such convenient places as they hoped *the people would join with them;* and hoped, if they once *gave the King's forces a foil*, they would get many to flock in to them; and had *advanced money to this purpose;* and that there were *three keys*, whereof he had one, and *Mr Carstairs another*—which caused him to be tortured—and Holmes a third; and *they expected help from England.*"

This revelation brought upon the tragic scene that redoubtable character, Master Carstairs, who was actually squeezed, through the medium of thumbikins, into safety, celebrity, good fortune, and high position. It is impossible to pity him. Unquestionably, he deserved, even by his own account, that compression of the thorax which would have deprived him of all the sympathy, and of all the good fortune, he acquired by the compression of his thumbs. A more thorough-paced traitor never escaped the gallows. By his own confession, the design to assassinate the King and his royal brother had been confided to him, by the villain with whom he was daily plotting to dethrone them, and with whom he nevertheless *continued so to plot.* And the whole circumstances of the case, as well as the terms of his own confession, compel the presumption, that the *Reverend* William Carstairs would not have crossed the street to save Charles the Second, or the Duke of York, from the pistol or the knife of the *Reverend* Robert Ferguson, his low and murderous associate. The official record of his confession, twice authenticated by himself, was used only as an *adminicle* of evidence against Baillie of Jerviswood. For Carstairs had bargained with Government that he was not to be placed in the box, or confronted personally with his un-

Digitized by Google

fortunate associate. But the story of desperate treason, therein so minutely told, superadded to the *viva voce* evidence given by the Earl of Tarras, and other *socii*, hanged poor Jerviswood, in whose place Carstairs ought rather to have been.[1] There was no positive evidence that Ferguson had ever communicated to the Scotch laird the design to assassinate the King and the Duke; his own knowledge of which infernal scheme Carstairs admitted on oath. But that Jerviswood was justly executed, no reasonable man could for a moment doubt. He suffered for treason of the most flagrant kind, distinctly proved against him, just as he would have suffered for the like in our own times. No government that was ever constituted could have spared him. King William would have hanged them all, and been cheered for it by Lord Macaulay. The alleged broken-down, dying state of Jerviswood, at the time of his trial, is a popular and very natural source of sympathy. But social justice, and established government, cannot afford to spare a desperate and determined plotter of treason, a convicted traitor, because he appears before the judgment-seat with shattered nerves, and broken health, nursed (as is said of Jerviswood) with cordials in the very dock, by a devoted sister, and awaiting his doom attired in a dressing-gown.

We left Claverhouse doing the domestic, and *dealing mercy*, at Dudhope, in these same months of August and September 1684, when Spence and Cartairs were being tortured, and

[1] Lord Macaulay displays great ignorance of the case of Carstairs, delivered, as usual, *oracularly*:—"There, too, was Carstairs, a Presbyterian minister from Scotland, who, in craft and courage, had no superior among the politicians of his age. He had been entrusted some years before by *Fagel* with important secrets, and had *resolutely kept them, in spite of* the most horrible torments which could be inflicted, *by boot* and thumbscrew. His *rare fortitude* had *earned* for him as large a share of the Prince's confidence and esteem as was granted to any man, except Bentinck."—*Hist.* iii. p. 197. Was there ever such history! 1. Carstairs was *not* booted. 2. He was *not examined* about secrets from Fagel. 3. He displayed no "rare fortitude;" for he *gave way*, after the thumbikins, and "resolutely kept" *no secret whatever* about which he was questioned. And, then, what did poor Nevil Pain's *really* "rare fortitude" *earn* from King William! We believe the vulgar story of King William *toying* with the thumbikins that tortured Carstairs to be a family fable. Had Carstairs shown him that toy, King William would have pocketed the instrument, saying—'Sir, these are not *your* thumbikins, they are *mine*.' And so they were, as much as the crown was, and he used them accordingly.

Digitized by Google

shortly before Baillie of Jerviswood was hanged. In October, however, there was new work cut out for our hero. These deadly plots of whiggery being brought to light, the *Juncto* in Scotland came to the resolution of dividing the Privy Council into four Commissions of Lieutenancy, of the nature of the former Circuit Courts in which "Claverhouse and the Clerk" had predominated, to the disgust of Duke Hamilton. Upon the present occasion, the distinguished noblemen, statesmen, and lawyers, of whom they were composed, all did their duty, humanely and conscientiously, without an idea of oppression, without the slightest indication of cruelty, or other feeling in their mind than to restore peace and social order, and save the country from the advent of Argyle, and the truculency of the Conventiclers. The vague abuse heaped upon them by the low-minded Wodrow, is without a shadow of truth, and shows like a cancer on the face of history. "They caused," says our whig friend Fountainhall, who may be more depended upon, "the ministers and others to delate who were irregular, and nonconformists, in these parishes, and then caused cite them; and if they were willing to take a bond to be orderly in time coming, they were dismissed. In the Merse circuit, they fined Pringle of Rigg, Sheriff-depute there, in five hundred merks, *for oppressing the people*, besides modifying and decerning the restitution of the parties' damage. They took *strict trial and enquiries* after the oppressions and cheats of one Lorrain, and one Alexander Martine in Dunse; and this last they fined in a thousand pounds sterling, and deprived him of his place as clerk." At the Glasgow circuit, where Hamilton himself presided, his loyalty now unrebuked by the presence of Claverhouse, the Western shires were disarmed, but the poor were not oppressed. "They imprisoned Schaw of Greenock, Montgomery of Skelmorly, Maxwell of Pollock, Cunninghame of Craigend, and Porterfield of Duchal, and gave them all indictments for resetting rebels," &c. But it was only their purses that bled at this "terrible circuit," and the purses chiefly of those who could best afford it, and most deserved it. To raise the *Cess* (the income-tax of the day), and by voluntary offers if possible, was the main object of the Commissioners' exertions, which proved very successful. Queensberry, his son,

Digitized by Google

Lord Drumlanrig, and Claverhouse, were the Commissioners for Dumfries, Kirkcudbright, and Wigton. The Test Act, of course, was pressed, and a few had the *folly* (to use Duke Hamilton's own phrase), to refuse it. One of the worst examples of the kind, Hugh Maxwell, laird of Dalswinton, was sent to cool his temper in the Tolbooth of Edinburgh. But, lo! in the very midst of their operations, the spectre of an armed conventicle again starts up, and, spectre-like, eludes their grasp. Among the Queensberry Papers, we find notes of some depositions relative to a Conventicle held on Wednesday the 15th of October 1684. Witnesses are examined at Sanquhar on the 18th; and, *inter alia*,—

"*Katherine Coutart*, spouse to the said Thomas Marsh, being sworn, depones, That, as she was looking for her own *ky* (cattle) on the marsh betwixt Cleury and Glengaber, there came four men to her, and *two women*, and took her to the house of Glengaber, where they *kept her prisoner* till daylight was gone; but she neither knew the men, nor heard their names; and that the men named the two women, the one, *Bessie Weir*, and the other *Margaret Weir*, who lately dwelt in or about Crawford-John."

"*Thomas Umphray*, servitor to James Wilson in Dunlercleuch, being deeply sworn and interrogated, depones, That, upon Wednesday last [15th October 1684], as he was going to Wanlockhead with butter to John Brown, servitor to Allan ———, he met with two men that came from Glengaber House, that *took him prisoner* from the sunrising till daylight closed; and all day long they guarded him and ——— Wilson, in Glengaber House, and relieved their guards by six after six; and that all the men he saw had *pistols*, *swords*, and *carabines*; and that Ninian Steill, sometime in Glengar, was one of them that was there in arms; and the deponent further declares, that he is informed by James MacMoran, in Sorn's Water, that there was a party of these men in Glendorch yesternight, who designed to apprehend James Coutart, Chamberlain of Crawford-John; and this is true, as he hall answer to God."

"*James Thomson*, in Glengaber, married, sworn, depones, That, as he was going out to *grass a naig* (graze a horse), early on Wednesday morning, he was *apprehended* by fourteen of the rebels, and brought back to his house, where they kept him all night, but knew none of them, except one called William Chapman, who dwelt upon Clydeside;

Digitized by Google

and thereafter a fresh party came, and relieved those who attacked. And further, that he saw them coming over from Crawford muir in twenties and thirties to the glen above Glengaber House, where he heard one call extraordinarily loud, upon a call that gave advertisement to all near that place to come to them; and that thereafter he heard them twice sing psalms, but could not get liberty to see their number; only he saw their scout-watches upon the top of the hill above the place where they kept their conventicle. And further, he informs, that upon Friday night they were at Stonieholm, belonging to Elderschaw, where they took said Elderschaw *prisoner* all that night; and this is all true, as he shall answer to God."[1]

His circuit duties over, Claverhouse had returned to Edinburgh for a time before the end of October; and again taking up his ever active pen, thus endites to his noble coadjutor from Burntisland, doubtless on his way to Dudhope.

Claverhouse to Queensberry.

"Burntisland, *October* 30th, [1684].

"My Lord:—That day I parted from Sir Robert Dalyell,[2] I came to Edinburgh with clear daylight, and your letters were delivered to Hugh Wallace's wife in good time. I supped at Blair's with my Lord Balcarres, Drumeller, the Advocate, and several others. Next morning I saw [all] our friends, save the Register, who was not come to town. I spoke about Fife and the Lothians joining in this supply. Many think it reasonable. But Balcarres told me freely that he durst not undertake it; and when I spoke to him that others would, that pretended to more interest in that country, he laughed at it.

"Yesterday I dined at Blair's with the Chancellor, Secretary, and all the good company in town; and it was said that Nithsdale had given nothing, because it was left to the Council to impose, which they,

[1] *Queensberry Papers.* Such was the Free Kirk of the moors and mosses in 1684. Fountainhall notes,—"August 12th, 1684: Sundry prisoners are brought in from Kilpatrick in Galloway, being taken at a conventicle, and refusing to tell where the rebels are harboured; pretending, *first*, they are *bound up by oath*, not to discover; *second*, that they will be *harassed, oppressed*, and *murdered*, if they do; and the King's forces are not always at hand *to protect them*. One Mr James Renwick, a fanatic preacher, *lately come from Holland*, is now the ringleader of these foolish people."—*Decisions.*

[2] Sir Robert Dalyell of Glenae.

Digitized by Google

in all appearance, would not do. I do not know if it was heard by all, but I said out, that I believed those of the Secret Committee would not refuse to tell their private opinion, and, without any Act of Council, my Lord Treasurer would cause these shires make offer accordingly. I told that the reason why the offer was in general terms was, that they thought the Government would not think it reasonable to take so much off them as off Galloway, and yet they thought it might seem not loyal to offer less. I am informed that it is said that we are far short of Clydesdale in the bond of peace, and that Clydesdale could have been brought to twenty months supply if the bond had been in the terms Galloway or Nithsdale took. As to that, I said, that before we saw that draught, we had proposed all we thought reasonable or practicable; but we could have easily brought them to sign the other, if we had thought it good for anything but to ensnare people. However, I find it is the opinion of your Lordship's friends, and the President tells me he desired Hugh Wallace to write so to you, that it were good to cause the bond be signed according to their draught of Clydesdale; and, after, it might be explained and restricted here. If your Lordship think fit to send it to my brother, with orders to see it signed, I doubt not but it will be done, and Lagg may do so in Kirkcudbright; in Nithsdale and Annandale your Lordship may do it, being on the place; after which they will have nothing to say; and when it is done, I think it should be altered; for it is unjust to desire of others what we would not do ourselves; for I declare I think it a thing not to be desired, that I should be forfeited and hanged, if my tenant's wife, twenty miles from me, in the midst of hills and woods, give meat (to) or shelter a fugitive.

"The Register I could not see; but I have written from this my mind to him. All your Lordship's friends are very desirous to see you soon at Edinburgh; for things will take no settlement till then. I design to be over again the end of the next week. My Lord Lauderdale is come down, and designs, as I hear, to go briskly on, and let lay the submission in my affair. But in this and all other things I rely upon your Lordship entirely; and though I cannot make so many compliments as others do, yet I am, with all sincerity and respect, my Lord, your most humble and faithful servant,

"J. GRAHAME."

"My Lord, excuse this way of writing, for paper is as ill to be had here as at Kirkcudbright."

Nine days after the date of this letter, another alarm and

Digitized by Google

excitement arose, the most serious that had agitated the public mind since the battle of Bothwell Bridge. The fire-brand, Renwick, emboldened to the very insanity of fanatical treason, by the murderous plots which beset the Government from Holland, and at home, and also by his own marvellous escapes from the royal forces, now framed his infamous "Apologetical Declaration," and affixed it, by way of royal proclamation, upon the market-cross of Linlithgow, and the doors of various churches. This was an outrageous repetition of the scheme of Cameron and Cargill. It was the most savage attempt to inflame the passions of the lowest classes, to incite them to murder and assassination, that ever outraged established government in a Christian country. Renwick published this his *royal* proclamation on the 8th of November 1684, and then he and his ragamuffins ran for it. The fact, and its immediate results, are thus recorded by Fountainhall, who certainly had no disposition to place the affair in too favourable a light for Government. But his modified and gentlemanly whiggery could not betray him into such outrages upon the truth and justice of History as have been perpetrated on the subject by the Wodrow school of chroniclers.[1]

"On the 8th November 1684, was the *Presbyterian Declaration* (so called), affixed on sundry market-crosses and kirk doors, by the whigs in the Western shires, threatening, that if the *Curates* and *soldiers* would not give over the persecuting and searching of them, but brought them still to public deaths, they would not spare to shed *their* blood, by their own measures, seeing they could not do it now in a *legal judicative* way: And they *disowned Charles Stewart to be their king;* and, in prosecution of this, some of those *ruffians* fell in at Swyne Abbey, beside Blackburn in West Lothian, and murdered Thomas Kennoway and Duncan Stewart, two of the King's Life Guard, *in a most barbar-*

[1] The "Apologetical Declaration" was drawn up by Renwick, and written with his own hand, from which copy Wodrow, with marvellous effrontery, prints it, *ad longum*, in his History, vol. iv. p. 148. It was framed in October, and affixed on the Cross of Linlithgow, and elsewhere, on the 8th of November. It concludes in the form of a royal proclamation,—"Given at upon the 28th day of October, one thousand, six hundred, and eighty-four years: "*Let King Jesus reign*, and *all his enemies be scattered.*" See before, Mr Kirkpatrick Sharpe's extracts from it, in the first volume of these Memorials, p. 342.

Digitized by Google

ous manner. Some thought this whig Declaration was but a *State invention*, set on foot by the *soldiers*, to make that party odious, and themselves necessary. But *this* convinced every one of the *reality* of this *declared war.*"[1]

The murder of the Guardsmen in their beds is again recorded by Fountainhall both in his *Historical Notices* and *Decisions*, without that nonsense about a *State* invention set on foot by *soldiers!*

"20*th November* 1684:—The news came this morning to Edinburgh, that some of the desperate fanatics had last night fallen in upon two of the King's Life Guards, viz., Thomas Kennoway and Duncan Stewart, who were lying at Swyne Abbey, beyond Blackburn in Linlithgowshire, and *murdered them most barbarously.* Whereupon the Privy Council ordained them to be searched for and pursued, if it were possible to apprehend them; and called for Carmichael, landlord of the house, and examined him and others. *This was to execute what they had threatened in their declaration of war.*"

At this momentous crisis, before the murder, the Lord Register writes as follows to the Lord High Treasurer:—

The Lord Register to Queensberry.

"10*th November* 1684.

"RIGHT HONOURABLE:—This day the Secret Committee have met, on occasion of a paper affixt on the cross of Linlithgow, *declaring war* with the Government, and promising to *kill us all.* We have ordered Saltoun to be summoned.[2] On information from Provost Mill, that one Lyell, a minister of Montrose, hath preached seditiously, we have ordered citation against him. One M'Pherson, who came yesternight to this place from London, tells me that Marquis Huntly is Duke of Gor-

[1] Fountainhall's *Historical Observes*, p. 141. His *epitome* of Renwick's Proclamation of War, and threats of murder, which were therein expressly pointed against not merely *Curates* and *soldiers*, but against every officer of the army, every statesman, every Privy Councillor, every official of the Government, and especially against "viperous and malicious Bishops and Curates," is somewhat subdued and curt.

[2] Andrew Fletcher of Saltoun.

Digitized by Google

don.[1] I had not a line from London these four posts. Meldrum died this morning at one o'clock, sitting in a chair.[2] This letter would be longer, were anything else known to your Lordship's most humble servant,

"GEO. M'KENZIE."

"Since we find that there is a party *declaring a war*, who lurk within us, we think on a *strict enquiry*, for *all in the nation*, who will not forswear these opinions; and especially in Edinburgh; and at any rate to free the kingdom of all of them. For [?] or *halking* [hawking?] are judged absolutely insecure. The Justice Court are just now denouncing Earls Loudon, Melville, &c., fugitives. We are ordering an enquiry, on oath, in Lithgow and Borrowstownness concerning this paper."

The excitement was not allayed by the barbarous murder which immediately followed, in obedience to Renwick's proclamation. The alarming fact is announced by Queensberry to the Lord Register, who returned, by the same messenger, the following note, which is scarcely decypherable from the haste and agitation under which it had been penned.

The Lord Register to Queensberry.

"EDINBURGH, 20*th November* [1684], *be* 10 *forenoon.*

"RIGHT HONOURABLE:—For God's sake take care of yourself; for now that these villains are at the utmost despair, they will act as devils, to whom they belong. I shall leave to write a long letter, which I intended, for now I think all other matters are to be left till those *wild cats* be catched. We were busy on the whole, but I will not detain your bearer. I am, my Lord, your most faithful, humble servant,

"GEO. M'KENZIE."

[1] It was conferred at the same time with the Queensberry Dukedom. See before, their *incubation*, p. 330. Secretary Earl Murray, dating from Whitehall, November 4, 1684, writes to Queensberry:—"Now your Grace's patent as Duke is signed by his Majesty. But I am commanded to keep both yours and Marquis Huntly's till he (Huntly) goes to Scotland; for his Majesty will not have them divulged so long as he is here."—*Queensberry Papers.*

[2] Captain Adam Urquhart of Meldrum, a most active and efficient cavalry officer, and magistrate; but of late he had become lethargic. His troop was conferred upon the Earl of Airlie.

Digitized by Google

Duke Hamilton, a worse Whig than Fountainhall, does not like it. His own throat feels uneasy at night. He is becoming wonderfully conservative.

The Duke of Hamilton to Queensberry.

"HAMILTON, 28*th November* [1684.]

"People hereabouts are much alarmed since the hearing of that horrid murder at Swyne Abbey; and they say the fugitives have been seen *more publicly* in the remote places of this shire, since the forces went out of it, than before. Wherever I heard of any, I sent and made search for the *resetters*, and *have several prisoners*. As I wrote to General Dalyell, and now to the Chancellor, without placing several garrisons in the moorish places of the country it will be hard to catch or banish *these rogues*, or find out their resetters. And for my house of Crawford, if there be not other houses in that parish more fit, now that the one-half of it is unvaulted, I am much mistaken. However, it, and all I have shall be ready at the King's service. I am very sincerely, my Lord, your Lordship's most affectionate brother, and most humble servant,

"HAMILTON."

And now Queensberry's dukedom is announced, and his ducal brother-in-law at length finds his *equals* in the peerage of Scotland, as Claverhouse had proposed. Hamilton's next letter, wherein he affords another striking illustration of the alarming state of the times, and the aristocratic nature of his own patriotism, congratulates his noble relative somewhat curtly and coldly.

The Duke of Hamilton to Queensberry.

"HAMILTON, 7*th December* [1684.]

"Give me leave first to wish your Grace much joy of the new title of honour the King has bestowed upon you.

"I received this day, yours. I do not hear the rebels are come to that boldness to take horses in this country; but last week I had notice that three or four of them came to a room [farm] of mine in Lesmahago, called Underbank (out of which I had *ejected a widow, and taken her, and most of her family, and carried them to Glasgow, where they were*

Digitized by Google

banished[1]), and tilled for some hours, and so frightened a new tenant I had got to have gone to it, that it will lay waste this year; and my servants having no mind to go to take fit trial of the resetters, or assisters, without forces, there being none then in this country, I ordered my son's militia troops to meet here to-morrow to have gone about it, that I might have given the Council a full account of the matter. But, hearing this day from Lieutenant-General Drummond, from Lanark, I have sent him the depositions I had ordered to be taken in that business, to put it to further trial, who, no doubt, will give a full account of it. He sent me the Council's letter, in obedience whereto I have appointed a meeting of the shire here, on Thursday next, and shall report their answer, and do all I can for settling the garrisons, so as they may be serviceable to the King in securing the peace of the country; and without putting us to *more charge;* which I hope is not expected, since for this end we gave the last *Cess* at Glasgow.

"As to my house of Crawford, forage will be as ill had there as either Newton or Leadhill; for it might be brought from other parts to whatever place they lay in that parish. But I am sure *foot* would do more service amongst those hills than horse can.[2] But if no place can serve the turn but Crawford, I shall order some little furniture and materials, I had provided for further reparation of that house, to be removed; and I might have saved two or three hundred pounds sterling I have of late bestowed upon it; and it would have been better for a garrison as it was, there being much less room for stabling now in it; and, since it seems your Grace has so good accounts of the disaffectedness of that place, I beg you would order your informers to give me particular notice if any of my tenants be guilty; for I have given all the strict orders I can to my servant there, and he informs me I have not one disaffected or disorderly person in that parish, and the minister gives me the same account; and, if it be well considered, there will be found neighbouring parishes as ill; and houses in them as fit for a garrison. But I ask your Grace pardon for this long trouble on the subject, and am very sensible of the kind expressions in your letter, and shall still endeavour on all occasions to give you all the just

[1] Pretty well for a *patriot*. But what would Wodrow have said if he had known it?

[2] Which means, that Hamilton had no mind to have *Claverhouse* quartered on him. Foot was utterly useless for the pursuit, or scattering, of those bog-trotting rebels. As to what speed infantry came, on such occasions, see before, p. 402.

Digitized by Google

returns in the power of your Grace's most affectionate brother, and most humble servant,

"HAMILTON."

"My wife returns her most humble service to your Grace, and also wishes you joy, and will be glad to hear my sister is well, and safe come to Edinburgh. Two days ago, young Lickprike, the fowler, being seen here with a gun, and never before since he was at the rebellion, and being without a pass, I caused secure him. He pretends he came to get his gun mended here, and that he has made his peace, and has a warrant from a servant of yours to carry it. So, give your directions as to him.[1]

On or about the 12th of December, five days after the date of the above letter, the good and brave curate of Carsphairn was murdered at midnight, on his own threshold. Claverhouse upon this occasion is in the saddle to some purpose, his sword, for once, being as active as his pen. Fountainhall does not fail to record our hero's success in at last getting one good blow at the rascals he had ridden after so often:—

20*th December* 1684.—Letters came from Colonel Graham of Claverhouse, then in Galloway, that he had met with a party of these rogues who had skulked, (if their retiring holes could be got, they are so cowardly they may be easily routed), he had followed them, killed five, and taken three prisoners, some of which were of the murderers of the minister of Carsphairn; and that he was to judge and execute the three prisoners by his *Justiciary* power; and if his garrisons were once placed, he hoped to secure and quiet that country."—*Hist. Notices.*

The dragoons were of more use here than Duke Hamilton's foot would have been. The short contemporary memoir of our hero, by "an officer of the army," narrates the same event, with a slight variety:—"About this time, the Whigs began to renew their rebellions in Galloway, where they murdered the minister of *Creforn* (*Carsphairn*) in his bed; and coming afterwards to Kirkcudbright, killed a poor man there, who was one of the sentries on the Tolbooth, only for challenging—'*Who comes there?*' About six miles from

[1] Queensberry Papers.

Digitized by Google

Kirkcudbright, Clavers, with some horse and dragoons, attacked that party of rebels that murdered the minister, chased them into a bog, killed seven or eight of them, and took some prisoners, who told him the murderer of the minister lay dead on the spot." As Lord Macaulay has been pleased to dub this nearly contemporary biographer "a stupid and ignorant Grub Street garreteer," it is fortunate that we can verify the Kirkcudbright anecdote also from the Queensberry Papers.

Sir Robert Dalyell and others to Queensberry.

DUMFRIES, 18th *December* 1684.

"MAY IT PLEASE YOUR GRACE:—In pursuance of the account we gave your Grace by one of the 10th instant, the Commissioners, under subscribing, with the most part of the heritors of Nithsdale, met here this day, and agree to the three months supply for a year; and beg that your Grace may receive the trouble to make a tender thereof in their names to the Council. And as to the garrisons, we have spoken with Captain Strachan, in order for accommodating them. But for the third garrison, in place of *Newtown*, we humbly conceive that *Laight* were a convenient place, if your Grace thinks fit; or if your Grace think *Dalswinton* more proper.

"Though your Grace may have received it from other hands we esteemed it our duty to acquaint your Grace, that the rebels have, since our former to your Grace, broke into *Portract Isle*, and several other places; and upon Tuesday morning last invaded the *town of Kirkcudbright*, to the number of an *hundred and eight, broke open the prisons*, and carried away such prisoners as would go with them, with the town drum, and such arms as they could seize on. So, as we think, whatever other forces be designed for this country, a company of foot were very necessary for Dumfries. We shall give your Grace no further importunity, but attend your commands to, may it please your Grace, your most humble and faithful servants," &c.[1]

It is thus manifest that the gang of armed rebels who murdered the curate of Carsphairn on the night of the 11th of December 1684, or morning of the 12th, were a

[1] *Queensberry Papers.*—This letter is signed by Sir Robert Dalyell of Glenae, Sir Thomas Kirkpatrick of Closeburn, Thomas Charteris of Amisfield, and some others, who had been commissioned for the preservation of the peace in that district.

Digitized by Google

Digitized by Google